

# ILLINOIS REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

1) Heading of Part: Reports of Child Abuse and Neglect2) Code Citation: 89 Ill. Adm. Code 3003) Section Numbers: Proposed Action

300.20 Amendment

300.90 Amendment

300.130 Amendment

300.140 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, par. 2051 et seq. and 42 U.S.C. 5101 et seq.

## 5) A Complete Description of the Subjects and Issues Involved: The Department is amending the definitions of "abused child," "neglected child" and "person responsible for the child's welfare" in order to bring those definitions into compliance with federal regulations contained in The Child Abuse Prevention and Treatment Act. Failure to comply with the federal definitions will make the Department ineligible for funds under the Federal Act. The Department of Health and Human Services (HHS) has found the following deficiencies in the Department's Rule:

- o The religious exception in the definition of "neglected child" does not conform to federal guidelines. The federal interpretation of the rule's religious exception is that a child whose parent relies upon spiritual means for treatment in the cure of diseases may not be subject to the reporting, investigation and treatment requirements of the rule. The rule can appear to read that a child being spiritually treated rather than medically treated is not to be considered neglected. As a result the Department is amending its definition of neglect child to clarify that a child will be considered neglected due to deprivation of necessary medical care or other remedial care.

- o The Department's definition of "abused child" does not provide for mental injury inflicted other than as a result of physical injury. HHS questions whether "impairment of emotional health" (Department language) is the same as "mental injury" (federal language).

- o The Department's definition of "neglected child" does not provide for "threatened harm of neglect". While the Department's definition of abuse complies with federal requirements by providing for substantial risk of physical injury, there is no language in rule to cover threatened harm of neglect. As a result the Department is amending the definition of "neglected child" to include substantial risk of neglect.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- o HHS feels that Illinois' definition of "person responsible for the child's welfare" is not clear and questions whether the Department's language extends to residential facility employees and out of home care staff persons, contrasted with the persons at such places who are in charge of the facility. The federal definition explicitly includes "an employee of a public or private residential home or facility or any staff person providing out of home care". As a result the Department is amending the definition of "person responsible for the child's welfare" to include both operators or supervisors of child care facilities or institutions as well as employees of such facilities.

In addition to the amendments required to bring the definitions into compliance with federal regulations, the Department is proposing the following amendments.

Section 300.90 requires the Department to complete in-person contact with the alleged child victim within 24 hours of the time the report was received at the State Central Register. In the case of reports from hospitals regarding drug exposed infants, little purpose is served by investigators going to hospitals to look at the infants. This often delays the assessment of the parent(s) and the environment into which the child will be discharged. This also results in extended hospitalizations or, occasionally, discharge to unassessed living environments. The proposed amendment would require the investigator to complete an in-person contact with the infant's mother within 24 hours, rather than with the infant in the hospital. The contact with the mother shall be in the environment in which she intends to reside with the infant.

Section 300.140 is being amended to include notification to private school administrators when persons employed or who otherwise come into frequent contact with children in private schools are determined to be perpetrators of indicated reports of child abuse and neglect. The Department is required to investigate reports of abuse or neglect involving private school employees as well as public school employees. However, while the rule requires notification to public school officials of indicated reports, it does not include notifying private school officials. As a result, children in private schools could be at greater risk if a teacher or other employee is a perpetrator and this fact is not known to the school administration.

Section 300.100(1) requires the Department to inform supervisors or administrators when a formal investigation is being commenced of an employee whose job or activity involves frequent contact with children and the abuse or neglect occurred in the course of that employment or activity. However, there is no provision in rule for informing the employee or administrator of the final determination of the investigation. The employer or administrator needs to know the outcome of the

investigation in order to 1) protect children if the report is indicated or 2) allow the employee to continue or resume working when the report is unfounded. As a result, the Department is amending Section 300.130, Notices Whether Child Abuse or Neglect Occurred, to include notification to those employers or administrators referenced in Section 300.100(i).

6) Will this proposed amendment replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date: Yes X  
No  
If "yes", date:

8) Does this proposed amendment contain incorporations by reference? No.

Section Numbers	Proposed Action	Illinois Register Citation
300.20	Amendment	13 Ill. Reg. 20159, December 29, 1989
300.30	Amendment	
300.90	Amendment	
300.100	Amendment	
300.140	Amendment	
300.150	Amendment	
Appendix B	Amendment	

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498  
217/785-2592

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an affect upon small businesses.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

PART 300  
REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS
APPENDIX A	CHILD ABUSE AND NEGLECT ALLEGATIONS

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq. as amended by Public Acts 86-274, 86-601, 86-659, 86-716, 86-835, 86-904) and Section 3 of "AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling of minors" (Ill. Rev. Stat. 1987, ch. 111, pars. 4503) and the The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

SOURCE: Former part adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987, recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A at 11 Ill. Reg. 3492; emergency amendments at

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

302.180, 302.190, Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified from Section 300.60 at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. , effective July 1, 1990; amended at 14 Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

## Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

INFLECTS, CAUSES TO BE INFLECTED, OR ALLOWS TO BE INFLECTED UPON SUCH CHILD PHYSICAL OR MENTAL INJURY, BY OTHER THAN ACCIDENTAL MEANS, WHICH CAUSES DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF IMPAIRMENT OF ANY BODILY FUNCTION;

CREATES A SUBSTANTIAL RISK OF PHYSICAL OR MENTAL INJURY TO SUCH CHILD BY OTHER THAN ACCIDENTAL MEANS WHICH WOULD BE LIKELY TO CAUSE DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF OR IMPAIRMENT OF ANY BODILY FUNCTION;

COMMITTS OR ALLOWS TO BE COMMITTED ANY SEX OFFENSE AGAINST SUCH CHILD, AS SUCH SEX OFFENSES ARE DEFINED IN THE CRIMINAL CODE OF 1961, AS AMENDED, AND EXTENDING THOSE DEFINITIONS OF SEX OFFENSES TO INCLUDE CHILDREN UNDER 18 YEARS OF AGE;

COMMITTS OR ALLOWS TO BE COMMITTED AN ACT OR ACTS OF TORTURE UPON SUCH CHILD; OR

INFLECTS EXCESSIVE CORPORAL PUNISHMENT.

"Caretaker" means the child's parent(s), guardian or custodian with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child care facility" means any person, group of persons, agency, association, or organization which arranges for or cares for

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in Section 2.05 of the Child Care Act and includes foster family homes and day care homes.

"CHILD PROTECTIVE SERVICE UNIT" (CPS) MEANS CERTAIN SPECIALIZED STATE EMPLOYEES OF THE DEPARTMENT ASSIGNED BY THE DIRECTOR OR HIS DESIGNEE TO PERFORM THE DUTIES AND RESPONSIBILITIES AS PROVIDED UNDER THIS PART. They are also known as investigative staff.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include:

AN EVALUATION OF THE ENVIRONMENT OF THE CHILD NAMED IN THE REPORT AND ANY OTHER CHILDREN IN THE SAME ENVIRONMENT; A DETERMINATION OF THE RISK TO SUCH CHILDREN IF THEY CONTINUE TO REMAIN IN THE EXISTING ENVIRONMENTS, AS WELL AS A DETERMINATION OF THE NATURE, EXTENT AND CAUSE OF ANY CONDITION ENUMERATED IN SUCH REPORT, THE NAME, AGE AND CONDITION OF OTHER CHILDREN IN THE ENVIRONMENT; AND AN EVALUATION AS TO WHETHER THE CHILD WOULD BE AN IMMEDIATE AND URGENT NECESSITY TO REMOVE THE CHILD FROM THE ENVIRONMENT IF APPROPRIATE FAMILY PRESERVATION SERVICES WERE PROVIDED. AFTER SEEING TO THE SAFETY OF THE CHILD OR CHILDREN, THE DEPARTMENT SHALL FORTHWITH NOTIFY THE SUBJECTS OF THE REPORT IN WRITING, OF THE EXISTENCE OF THE REPORT AND THEIR RIGHTS EXISTING UNDER THIS ACT IN REGARD TO AMENDMENT OR EXPUNGEMENT.

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"NEGLECTED CHILD" MEANS ANY CHILD WHOSE PARENT OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE WITHHOLDS OR DENIES NOURISHMENT OR MEDICALLY INDICATED TREATMENT INCLUDING FOOD OR CARE DENIED SOLELY ON THE BASIS OF PRESENT OR ANTICIPATED MENTAL OR PHYSICAL IMPAIRMENT AS DETERMINED BY A PHYSICIAN ACTING ALONE OR IN CONSULTATION WITH OTHER PHYSICIANS OR OTHERWISE DOES NOT PROVIDE or there is a substantial risk that such parent or person responsible will not provide THE PROPER OR NECESSARY SUPPORT, EDUCATION AS REQUIRED BY LAW, OR MEDICAL OR OTHER REMEDIAL CARE RECOGNIZED UNDER STATE LAW AS NECESSARY FOR A CHILD'S WELL-BEING, INCLUDING ADEQUATE FOOD, CLOTHING AND SHELTER; OR WHO IS ABANDONED BY HIS OR HER PARENTS OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE. A CHILD SHALL NOT BE CONSIDERED NEGLECTED OR ABUSED FOR THE SOLE REASON THAT SUCH CHILD'S PARENT OR OTHER PERSON RESPONSIBLE FOR HIS OR HER WELFARE DEPENDS UPON SPIRITUAL MEANS THROUGH PRAYER ALONE FOR THE TREATMENT OR CURE OF DISEASE OR REMEDIAL CARE UNDER SECTION 4 OF THIS ACT but shall be considered neglected or abused due to deprivation of necessary medical or other remedial care. For the purposes of Ill. Rev. Stat. 1987, Ch. 23, par. 2053, spiritual means through prayer alone do not constitute medical or other remedial care recognized under State law as necessary for a child's well-being." (Ill. Rev. Stat. 1987 ch. 23, par. 2053.)

"PERPETRATOR" MEANS A PERSON WHO, AS A RESULT OF INVESTIGATION, HAS BEEN DETERMINED BY THE DEPARTMENT TO HAVE CAUSED CHILD ABUSE OR NEGLECT.

"PERSON RESPONSIBLE FOR THE CHILD'S WELFARE" MEANS THE CHILD'S PARENT, GUARDIAN, FOSTER PARENT, ~~ANY PERSON RESPONSIBLE FOR THE CHILD'S WELFARE~~ IN operator, supervisor, or employee of A PUBLIC OR PRIVATE RESIDENTIAL AGENCY OR INSTITUTION; ~~ANY PERSON RESPONSIBLE FOR THE CHILD'S WELFARE~~ WITHIN-A OR PUBLIC OR PRIVATE PROFIT OR NOT-FOR-PROFIT CHILD CARE FACILITY; OR ANY OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE AT THE TIME OF THE ALLEGED ABUSE OR NEGLECT, OR ANY PERSON WHO CAME TO KNOW THE CHILD THROUGH AN OFFICIAL CAPACITY OR POSITION OF TRUST, INCLUDING BUT NOT LIMITED TO HEALTH CARE PROFESSIONALS, EDUCATIONAL PERSONNEL, RECREATIONAL SUPERVISORS, AND VOLUNTEERS OR SUPPORT PERSONNEL IN ANY SETTING WHERE CHILDREN MAY BE SUBJECT TO ABUSE OR NEGLECT.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, his or her siblings living in the home, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report, and any other person living in the home.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the

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Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 14 Ill. Reg. , effective )

## Section 300.90 Time Frames for the Investigation

The following activities must be completed within the time frames indicated, except as exempted in Section 300.110 (d). The time the report was received at the State Central Register begins the investigative process.

- a) In-person contact with alleged child victim or 24 hours  
in-person examination of environment for inadequate shelter and environmental neglect reports only or in-person contact with mothers of infants who are hospitalized with controlled substances in their systems. Contact with mothers of hospitalized infants shall be in the environment in which the mother intends to reside with the infant. Good faith attempt/Begin the initial investigation. The investigation shall begin immediately if the child is believed to be in immediate danger of physical harm or it is likely that the family may flee with the child.
- b) In-person contact with alleged child victim or good faith attempt--Educational Neglect/Begin the initial investigation. 72 hours
- c) In-person contacts with the alleged perpetrator, the children's caretaker and the alleged child victim if not completed sooner 7 days
- d) Preliminary Investigation Report--Begin the Formal Investigation (Written) 14 days
- e) Final Determination--Formal Investigation (Written) 60 days

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. , )

## Section 300.130 Notices Whether Child Abuse or Neglect Occurred

a) The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.

## b) Mandated Reporters

1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides an explanation of how further information on an indicated report may be secured. Department staff will notify them in writing:

- A) whether the child was the subject of a report of abuse or neglect;
- B) whether the report was indicated or unfounded;
- C) whether the Department took temporary protective custody.

2) Requests for additional information must be directed, in writing, to the State Central Register and must include:

- A) the identity of the requestor;
- B) the subject(s) name for whom the record is requested;
- C) a notary public's attestation as to the identity of the requestor;
- D) the purpose of the request.

3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:

- A) whether a Department case has been opened for the family or children; and
- B) what Department services are being provided to the family or children.

4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

c) Custodial Parents, Personal Guardians, Legal Custodians, and Alleged Perpetrators

1) Custodial parents, personal guardians, or legal custodians of child subjects; and alleged perpetrators shall receive notification within 5 calendar days after the report has been indicated or unfounded which indicate that the allegations were either:

- A) unfounded, and that all identifying information in the computer and local index files will be destroyed unless the subjects request that they be retained; or
- B) indicated, and all Department records will be maintained intact.

2) In addition, written notices shall explain that:

- A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
- B) the subjects of the report have the right to request a review of the determination that the report was indicated including the decision to maintain a record of the report in the Department's computer and local index files. 89 Ill. Adm. Code 309 fully explains the Department's review and appeal process; and
- C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be retained in the Department's computer and local index files, if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

## d) Other Parties

The Department shall notify non-custodial, legal parents of involved child subjects only when the child abuse or neglect report is indicated and the parents' whereabouts are known. The Department shall also notify the Juvenile Court when a report involving State wards is indicated. If services are being provided, the notice shall also give the name and location of the Department office that is serving their children. The Department shall also notify those supervisors or administrators referenced in Section 300.100(i) of this Part whether the report was indicated or unfounded.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. , effective

Section 300.140 Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents

- a) The Department will transmit to the Illinois Department of Professional Regulation information regarding perpetrators of indicated reports of child abuse or neglect who are known to be subject to licensure or registration by the Department of Professional Regulation under the following Acts:

- 1) Section 23 of The Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2323)
- 2) Section 25 of The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3525)
- 3) Section 24 of The Illinois Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3924)
- 4) Section 17 of "AN ACT in relation to physical therapy" (Ill. Rev. Stat. 1987, ch. 111, par. 4267)
- 5) Section 22 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-22)
- 6) Section 21 of the Physician Assistant Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4621)
- 7) Section 24 of the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4824)
- 8) Section 15 of the Psychologist Registration Act (Ill. Rev. Stat. 1987, ch. 111, par. 5316)
- 9) Section 11 of the Social Workers Registration Act (Ill. Rev. Stat. 1987, ch. 111, par. 6315)
- 10) Section 16 of the Illinois Athletic Trainers Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 7616)

- b) The Department will transmit to district school superintendents in Illinois and private school administrators information regarding any persons known to be employed in a school or who otherwise come into frequent contact with children in a school who are determined to be perpetrators of indicated reports of child abuse and neglect.

- c) The Department will transmit to regional superintendents and the State Superintendent of Education information that a person known

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

to be a holder of a certificate issued by the State Board of Education has been named as a perpetrator in an indicated report of child abuse or neglect.

- d) If a request for a review and fair hearing is received within 60 calendar days of the date on the written notice that the report is indicated, information regarding the request will be sent to the Department of Professional Regulation or district and regional school superintendents and the State Superintendent of Education in accord with applicable law.

(Source: Amended at 14 Ill. Reg. , effective )

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow

2) CODE CITATION: 17 Ill. Adm. Code 670

3) SECTION NUMBERS:  
670.60  
PROPOSED ACTION:  
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:  
These amendments have been proposed to reduce the archery deer season at Rock Cut State Park from 60 days to 40 days which will reduce the archery season at Rock Cut State Park by 1/3 in response to groups who oppose the 60-day hunting period.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?

Section Numbers	Proposed Action	Illinois Register Citation
670.10	Amendments	Mar. 23, 1990, 14 Ill. Reg. 4372
670.30	Amendments	Mar. 23, 1990, 14 Ill. Reg. 4372
670.40	Amendments	Mar. 23, 1990, 14 Ill. Reg. 4372
670.50	Amendments	Mar. 23, 1990, 14 Ill. Reg. 4372
670.55	Amendments	Mar. 23, 1990, 14 Ill. Reg. 4372
670.60	Amendments	Mar. 23, 1999, 14 Ill. Reg. 4372

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

## ILLINOIS REGISTER

11438  
90

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 670

## WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

## Section

- 670.10 Statewide Open Seasons and Counties
- 670.20 Statewide Deer Permit Requirements
- 670.30 Statewide Legal Bow and Arrow
- 670.40 Statewide Deer Hunting Rules
- 670.50 Rejection of Application/Revocation of Permits
- 670.55 Reporting Harvest
- 670.60 Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.26, 2.33, 3.5, and 3.36).

**SOURCE:** Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16558, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:

Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Lake Wildlife Management Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season).

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area, a part of this site, closed to hunting three days prior to the regular duck season).

Eldon Hazlet State Park (North of Allen's Branch and West of Peppenhurst Branch only)

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas

Lake Kinkaid Fish & Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

Panther Creek Conservation Area

Pike County Conservation Area (No hunting after November 30 in Area A)

Rend Lake Wildlife Management Area

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms

Union County Conservation Area - Firing Line Management Unit

Wildcat Hollow State Forest

- c) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## sites:

Argyle Lake State Park (season - October 15 - December 31)

Banner Marsh Fish and Wildlife Area (Season opens day after close of waterfowl season - December 31)  
Big Bend Conservation Area

Big River State Forest

Castle Rock State Park (season - November 1 - December 31)

Crawford County Conservation Area

Fort de Chartres Historic Site

Franklin Creek State Park

Hamilton County Conservation Area

Johnson Sauk Trail State Park (October 1 - the day before the upland game season and on Mondays and Tuesdays during the upland game season)

Jubilee College State Park (closed the 1st weekend - Saturday and Sunday - of October)

Lee County Conservation Area (closed during permit pheasant season)

Mackinaw River State Fish and Wildlife Area

Marseilles Fish and Wildlife Area (no hunting on Friday, Saturday, or Sunday in October)

Marshall State Fish and Wildlife Area

Mississippi Palisades State Park (season - November 1 - December 31)

Randolph County Conservation Area

Red Hills State Park

Rice Lake (season - the day after the close of the

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

duck season - December 31)

Saline County Conservation Area

Sam Parr Fish and Wildlife Area

Shabbona Lake State Park (Indian Road Wildlife Management Area)

Silver Springs State Park (daily quota posted at site; quota filled on first-come, first-serve basis)

Tapley Woods State Natural Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (closed until 3 p.m. Wednesday - Sunday during pheasant, quail and rabbit season)

Wayne Fitzgerald State Recreation Area (season October 1 - November 5)

Woodford County Conservation Area

d) Statewide regulations as provided for in this Part shall apply for deer bow hunting except that hunters must check out and report their harvest; any reduced hunting season and/or daily hunting hours if required are given in parentheses for the following sites:

Anderson Lake Conservation Area

Ferne Clyffe State Park

Ft. Massac State Park

Giant City State Park

Horseshoe Lake Public Hunting Area (opens with the close of the quota zone goose season through December 31)

I-24 Wildlife Management Area

Iroquois County Conservation Area (closed Wednesday through Sunday of the permit pheasant season and during the non-permit pheasant season, except that

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

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hunting is permitted according to statewide regulations in the 80 acres north and east of Hooper Branch Nature Preserve)

## Mermet Conservation Area

Pere Marquette State Park (except in designated areas where hunting dates are from October 30 through November 3 and from November 6 through November 10; number of hunters limited to 15 during each 5 day period; public drawing held at Region IV Office)

## Pyramid State Park

## Sam Dale Lake Conservation Area

## Siloam Springs State Park

## Trail of Tears State Forest

Union County Conservation Area Public Hunting Area (opens with the close of the quota zone goose season through December 31)

## Weinberg-King State Park

- e) Statewide regulations as provided for in this Part shall apply and in addition hunters must obtain season permits at the site office or through the mail prior to hunting and must report success immediately after taking deer with additional requirements given in parentheses at the following sites:

Des Plaines Conservation Area (closed during the site's pheasant hunting season, except open on Mondays and Tuesdays only)

Kankakee River State Park (Bow deer hunters hunting south of the Kankakee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed; the area north of the Kankakee River is closed to all hunting after November 30)

Mississippi Palisades State Park (season November

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## 1 - December 31)

Moraine View State Park (closed Wednesday through Sunday during permit pheasant season)

Pekin Lake State Fish and Wildlife Area (no hunting south of Big Lick Creek)

Rock Cut State Park (~~November 1 - December 31~~ November 5 - December 14, closed Thanksgiving Day; hours 1/2 hour before sunrise to 10:00 a.m.)

## Sand Ridge State Forest

## Spring Lake Conservation Area

- f) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following site:

Sangchris Lake Fish and Wildlife Area (Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas. The Peninsula and West Shoreline Areas will be open for hunting from October 1 until the opening day of waterfowl season and from the close of waterfowl season through December 31; closed also during the Youth Hunt. The North Mainland and East Mainland Areas will be open from October 1 through December 31; closed during the Youth Hunt. Areas open for hunting will include: Peninsula Area (DOC and Commonwealth Edison-owned portions of the middle and east peninsulas; boat access only). West Shoreline Area (west shoreline of the west arm of the lake between the site office and the west boat dock; the area immediately adjacent to the waterfowl refuge will be inviolate for the ten days before waterfowl season; foot access from site office or west boat dock area; boat access from west boat dock. North Mainland Area (north and east of both the site office and Deer Run Campground). East Mainland Area (the east Boat Dock area, Pheasant Run, and Maple Flats))

- g) Statewide regulations as provided for in this Part shall apply except that hunting will be permitted on Saturdays and Sundays only as announced by the Department of

## DEPARTMENT OF CONSERVATION

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

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Conservation at the following site. Hunter quotas will be announced by public news release. The check station will open at 5:00 a.m. and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out immediately after hunting. Parking is permitted at designated parking areas only.

## Site "M" Cass County

Ramsey Lake State Park

Stephen A. Forbes State Park

- h) Statewide regulations as provided for in this Part shall apply, except bow hunting will be allowed only during the area legal waterfowl season. Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing will be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear DOC issued back patch while hunting. Only those hunters whose names have been drawn in the daily drawing will be allowed to hunt. Hunting is closed on Mondays and Tuesdays.

## Heidecke State Fish and Wildlife Area

Middlefork Fish and Wildlife Area

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- i) Statewide regulations as provided for in this Part shall apply, except bow hunting will be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant hunting season in designated areas only. Daily quota filled on first-come, first-serve basis. Hunting hours are from one-half hour before sunrise to 2:00 p.m. except on Christmas day when the area is closed to hunting. Hunters must check out by 3:00 p.m. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse.

## Chain O'Lakes State Park

- j) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 will result in loss of hunting privileges at the site for the following year.

## Clinton Lake State Recreation Area

## Eagle Creek State Park

Fox Ridge State Park

Hidden Springs State Forest

Lake Shelbyville Eagle Creek Wildlife Management Area

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Comprehensive Arts Programs
- 2) Code Citation: 23 Ill. Adm. Code 250
- 3) Section Numbers:  
250.70      Proposed Action:  
                                 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 2-3.65
- 5) A Complete Description of the Subjects and Issues Involved:

The present amendment affects only Section 250.70, Reporting Requirements. The Rules Advisory Committee pointed out that much of the activity conducted with funding through the Comprehensive Arts Program might well occur after March 30 of the program year, the date by which an interim report is due under the current rules. Thus the interim report was not considered very useful, nor did it provide a reliable tool for the Board's staff to use in monitoring program activity. We agreed with the suggestion that this requirement be removed from the rules. Consequently, all of Section 250.70(a) is to be deleted, leaving the requirements applicable to a final report in place and relabeling them accordingly.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?  
The rules do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives:  
These rules will not create or enlarge a state mandate.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:  
  
J. Robert Sampson  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-2826
  - 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- The full text of the Proposed Rule(s) begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## CHAPTER 9: SPECIAL COURSES OF STUDY

## PART 250

## COMPREHENSIVE ARTS PROGRAMS

## Section

- 250.10 Purpose  
250.20 Eligible Applicants  
250.30 Application Procedures and Content  
250.40 Proposal Review and Approval Criteria  
250.50 Allocation of Funds  
250.60 Distribution of Grant Awards  
250.70 Reporting Requirements

AUTHORITY: Implementing and authorized by Section 2-3.65 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 2-3.65).

SOURCE: Adopted at 10 Ill. Reg. 12590, effective July 9, 1986; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.

## Section 250.70 Reporting Requirements

a) Grant-recipients will annually submit an interim report to the State Board of Education by March 30. That report will describe:

- 1) objectives completed (e.g., staff has developed a handbook on arts curriculum development); and  
2) resources to be utilized and planned strategies for further development of the project (e.g., a planning agenda for arts curriculum development has been established).

b) Grant recipients will annually submit a final report to the State Board of Education by August 15. That report will describe:

- a) goal(s) and objectives completed and resources utilized during the grant period;  
b) evaluation of the project; and  
c) resources to be utilized and planned strategies for the continued development and implementation of a comprehensive arts education instructional program.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: GENERAL PROVISIONS

2) Code Citation: 32 Ill. Adm. Code 310

3) Section Number:  
310.10  
310.20  
310.30  
310.40  
310.50  
310.80  
310.81  
310.82  
310.90  
310.130  
APPENDIX C  
Proposed Action:  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
New Section  
New Section  
Amendment  
Amendment  
New Section

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 211 et seq.).

5) A Complete Description of the Subjects and Issues Involved: This amendment provides a statement of the Department's policy for assessment of civil penalties. Section 310.81 specifies the factors that the Department will consider when determining whether to impose a civil penalty and the amount of such penalty. Section 310.82 provides the procedures for assessment of civil penalties. In addition, non-substantive changes to several definitions are being proposed. Also, the rule is being amended to incorporate by reference the most recent edition of the Code of Federal Regulations.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 10, 1990
- B) Types of small businesses affected: Unless a small business violates provisions of other Departmental rules and thus incurs civil penalties, the Department believes that these rules impose no impact on any small business as defined by Section 3.10 of the Administrative Procedures Act. However, the Department is submitting a copy of these rules to the Business Assistance Office of the Department of Commerce and Community Affairs during this first notice period for their review.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 310  
GENERAL PROVISIONS

Section	
310.10	Scope
310.20	Definitions
310.30	Exemptions
310.40	Records
310.50	Inspections
310.60	Tests
310.70	Additional Requirements
310.80	Violations
310.81	Policy for Assessment Civil Penalties
310.82	Procedures for Assessment Civil Penalties
310.90	Impounding
310.100	Prohibited Uses
310.110	Communications
310.120	Plans and Specifications
310.130	The International System of Units (SI)
APPENDIX A	Transport Grouping of Radionuclides (Repealed)
APPENDIX B	Tests for Special Form Licensed Material (Repealed)
APPENDIX C	Penalty Assessment

AUTHORITY: Implementing and authorized by the Radiation Protection Act (111. Rev. Stat. 1986 1989, ch. 111½, pars. 211 et. seq.).

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 111. Reg. 15657; amended at 10 111. Reg. 17259, effective September 25, 1986; amended at 111. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 310.10 Scope

Except as otherwise specifically provided, this Part apply applies to all persons who receive, possess, use, transfer, own, or acquire any source of radiation within the State of Illinois; provided, however, that nothing in 32 111. Adm. Code 310, 320, 330, 331, 335, 340, 341, 350, 351, 370, 400, and 601 shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).\*

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENTS

#AGENCY NOTE: Attention is directed to the fact that regulation by the State of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of an agreement between the State and the NRC and to 10 CFR 150 of the Commission's regulations.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 310.20 Definitions

As used in 32 Ill. Adm. Code 310, 320, 330, 331, 335, 340, 341, 350, 351, 370, 400, and 601, these terms have the definitions set forth below. Additional definitions used only in a certain Part will be found in that Part.

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act (the Act) (Ill. Rev. Stat. 1985 1989, ch. 111½, par. 211 et seq.).

"Agreement State" means any State with which the U. S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases.

"Airborne radioactivity area" means:

any room, enclosure, or operating area in which airborne radioactive material exists in concentrations in excess of the amounts specified in 32 Ill. Adm. Code 340, Appendix A, Table 1, Column 1; or

any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in 32 Ill. Adm. Code 340, Appendix A, Table 1, Column 1.

"Byproduct material" means: any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. (See Section 3.1 of the Act.)

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"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him of determining calendar quarters for purposes of 32 Ill. Adm. Code 310, 320, 330, 331, 340, 350, 351, 370, 400, and 601 except at the beginning of a calendar year.

"Calibration" means the determination of:

- the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or
- the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating Agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboxylic acid, and gluconic acid) used for purposes of bonding, i.e., to stabilize radioactive materials.

"Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of  $3.7 \times 10^{10}$  transformations per second (tps). Commonly used, submultiples of the curie are the millicurie and the microcurie. One millicurie (mCi) = 0.001 Curie =  $3.7 \times 10^9$  tps. One microcurie (µCi) = 0.000001 curie =  $3.7 \times 10^4$  tps. (See Section 310.130 for SI equivalent becquerel.)

"Department" means Illinois Department of Nuclear Safety.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Director" means the Director of the Department of Nuclear Safety. (See Section 3.3 of the Act.)

Dose means absorbed dose or dose equivalent as appropriate:

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"Absorbed dose" is the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The special unit of absorbed dose is the rad (see "Rad"). (See Section 310.130 for SI equivalent gray.)

"Dose equivalent" is a quantity that expresses on a common scale for all radiation a measure of the postulated effect on a given organ. It is defined as the absorbed dose in rads times certain modifying factors. The unit of dose equivalent is the rem (see "Rem"). (See Section 310.130 for SI equivalent sievert.)

"Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed 50 years.

"Dosimetry processor" means an individual or an organization that extracts certain information from devices called dosimeters, then performs various mathematical operations on this information to generate a quantity called dose equivalent.

"Exposure" means the quotient of dQ divided by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. (The special unit of exposure is the roentgen (R).) (See Section 310.130 for SI equivalent coulomb per kilogram.)\*

\*AGENCY NOTE: When not indicated as "exposure" (X), the term "exposure" has a more general meaning in 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 360, 361, 370, 400, and 601.

"Exposure (X) rate" means the "exposure" (X) per unit of time, such as roentgen per minute and milliroentgen per hour.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Healing Arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

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"High radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems (1 millisievert).

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Department.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"License" means a license issued by the Department in accordance with the regulations adopted by the Department.

"Licensee" means any person who is licensed by the Department in accordance with this 32 Ill. Adm. Code: Chapter II and the Act.

"Licensing State" means any State which has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a State has an effective program for control of NARM. The Conference will designate as Licensing States those States with regulations for Control of Radiation relating to, and an effective program for, the regulatory control of naturally occurring radioactive material (NARM).

"Major processor" means a user processing, handling, or manufacturing person licensed to process, handle, or manufacture radioactive material exceeding type A<sub>2</sub> quantities as unsealed sources or material, or exceeding 4 times type B A<sub>1</sub> quantities as sealed sources, but does not include nuclear medicine medical programs, universities, industrial radiographers, or small industrial programs wireline service operations. Type A and B A<sub>1</sub> and A<sub>2</sub> quantities are defined in Section 71.4 of 10 CFR 71, revised as of January 1, 1986 1989, exclusive of any subsequent amendments or editions. A copy of 10 CFR 71 is available for public inspection at the Department of Nuclear Safety.

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"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source, or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Occupational dose" means exposure of the radiation absorbed by an individual to radiation:

in a restricted area; or

in the course of employment in which the individual's duties involve exposure to radiation; provided, that occupational dose shall not be deemed to include any exposure of radiation absorbed by an individual to radiation for the purpose of diagnosis or therapy of such individual.

"Operator" is an individual, group of individuals, partnership, firm, corporation or association conducting the business or activities carried on within a radiation installation.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing. (See Section 3.5 of the Act.)

"Personnel monitoring equipment" means devices such as film badges, pocket dosimeters, and thermoluminescent dosimeters designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual.

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1985 1989, ch. 111, pars. 4002 4121 et seq.) to compound and dispense drugs, prescriptions, and poisons.

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"Physician" means a person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1985 1989, ch. 111, par. 4401 4400-1 et seq.), the Illinois Dental Practice Act (Ill. Rev. Stat. 1985 1989, ch. 111, par. 2201 2301 et seq.) and "AN ACT to regulate the practice of pediatrics in the State of Illinois" (Ill. Rev. Stat. 1985, ch. 111, par. 4901 et seq.) or the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4801 et seq.), who may use radiation for therapeutic, diagnostic, or other medical purposes within the limits of his licensure.

"Qualified Engineering Expert" means a person qualified under the Illinois Architecture Act (Ill. Rev. Stat. 1985 1989, ch. 111, par. 1201 et seq.), The Illinois Structural Engineering Act (Ill. Rev. Stat. 1985 1989, ch. 111, par. 6501 et seq.) and/or any required combination thereof.

"Rad" means the special unit of absorbed dose. One rad equals one hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue (10 milligrays). (See Section 310.130 for SI equivalent gray).

"Radiation" means ionizing radiation which includes any of the following: gamma rays, x-rays, alpha particles, beta particles, high-speed electrons, neutrons, high-speed protons, and other atomic particles. (See Section 3.6 of the Act.)

"Radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirems (0.05 millisievert), or in any 5 consecutive days a dose in excess of 100 millirems (1 millisievert).

"Radiation Installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose. (See Section 3.7 of the Act.) except where such radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means any device that produces radiation when in use (See Section 3.8 of the Act.) except those which produce radiation only from radioactive materials.

"Radiation safety officer" means one who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been designated by the licensee or registrant.

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"Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously. (See Section 3.9 of the Act.)

"Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

"Registrant" means any person who is registered with the Department and is legally obligated to register with the Department pursuant to this Chapter and the Act and 32 Ill. Adm. Code 320.

"Registration" means registration with the Department in accordance with the regulations adopted by the Department 32 Ill. Adm. Code 320.

"Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR 100-189, revised as of November 1, 1984 1988, exclusive of any subsequent amendments or editions. A copy of 49 CFR 100-189 is available for public inspection at the Department of Nuclear Safety.

"Rem" means a special unit of dose equivalent. One millirem (mrem) = 0.001 rem. (See Section 310.130 for SI equivalent sievert.) For the purpose of 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 360, 361, 370, 400, and 601, any Any of the following is considered to be equal to one rem:

An "exposure" (X) exposure of 1 roentgen of x or gamma radiation;

An absorbed dose of 1 rad due to x, gamma, or beta radiation;

An absorbed dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

An absorbed dose of 0.1 rad due to neutrons or high energy protons.\*

\*AGENCY NOTE: If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron absorbed dose in rads, one rem of neutron radiation may, for purposes of 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 360, 361, 370, 400, and 601, be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy, the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

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Neutron energy (Mev)	Neutron Flux Dose Equivalents Number of neutrons per square centimeter for a dose equivalent of 1 rem (10 millisieverts) (neutrons/cm <sup>2</sup> )	Average flux density to deliver 100 millirem (1 millisievert) in 40 hours (neutrons/cm <sup>2</sup> per second)
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Thermal	970 x 10 <sup>6</sup>	670
0.0001	720 x 10 <sup>6</sup>	500
0.005	820 x 10 <sup>6</sup>	570
0.02	400 x 10 <sup>6</sup>	280
0.1	120 x 10 <sup>6</sup>	80
0.5	43 x 10 <sup>6</sup>	30
1.0	26 x 10 <sup>6</sup>	18
2.5	29 x 10 <sup>6</sup>	20
5.0	26 x 10 <sup>6</sup>	18
7.5	24 x 10 <sup>6</sup>	17
10.0	24 x 10 <sup>6</sup>	17
10 to 30	14 x 10 <sup>6</sup>	10

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Restricted area" means any area access to which is controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material. A restricted area shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 x 10<sup>-4</sup> coulombs/kilogram of air. (See "Exposure".)

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"Test" means the process of verifying compliance with an applicable regulation.

"U.S. Department of Energy" means the Department of Energy (established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq.), to the extent that the Department exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977.)

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

"Waste handling licensees" mean means a persons person licensed by the NRC, the Department, an Agreement State or a licensing State to receive and store radioactive wastes for storage, treatment, or both storage and treatment prior to disposal and/or persons as well as any person licensed to dispose of receive radioactive waste for disposal away from the point of generation.

"Worker" means an individual engaged in work under a license or registration issued by the Department and controlled by a licensee or registrant, but does not include the licensee or registrant.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 310.30 Exemptions

- a) General Provisions - The Department may, upon application therefore or upon its own initiative, grant each such exemptions or exceptions from the requirements of these regulations 32 Ill. Adm. Code: Chapter II, Subchapters b and d as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

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"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material. (See Ill. Rev. Stat. 1989, ch. 111½, par. 194(f).)

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or  
ores which contain by weight one-twentieth of one percent (0.05 percent) or more of:

uranium;

thorium; or

any combination thereof.

(Source material does not include special nuclear material.)

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed 1. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} = 1$$

"Survey" means an evaluation of the production, use, release, disposal, and/or presence of sources of radiation under a specific set of conditions to determine actual or potential radiation hazards. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, and measurements of levels of radiation or concentrations of radioactive material present.

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- b) U.S. Department of Energy Contractors and U.S. Nuclear Regulatory Commission Contractors - Any U.S. Department of Energy contractor or subcontractor and any U.S. Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within this State is exempt from these regulations 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that such contractor or subcontractor under his contract receives, possesses, uses, transfers or acquires sources of radiation:

- 1) Prime contractors performing work for the Department of Energy at U.S. Government-owned or controlled sites, including the transportation of sources of radiation to or from such sites and the performance of contract services during temporary interruptions of such transportation;
- 2) Prime contractors of the Department of Energy performing research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof;
- 3) Prime contractors of the Department of Energy using or operating nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel; and
- 4) Any other prime contractor or subcontractor of the Department of Energy or of the Nuclear Regulatory Commission when the State and the Nuclear Regulatory Commission jointly determine:
  - A) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety; and
  - B) that, the exemption of such contractor or subcontractor is otherwise appropriate.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 310.40 Records

Each licensee and registrant shall maintain records showing the receipt, transfer, use, storage and disposal of all sources of radiation. Additional record requirements are specified elsewhere in 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 350, 351, 370, 400, and 601.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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## Section 310.50 Inspections

- a) Each licensee and registrant shall afford the Department at all reasonable times opportunity to inspect radiation installations and sources of radiation and the premises and facilities wherein such radiation installations and sources of radiation are used or stored.
- b) Each licensee and registrant shall make available to the Department for inspection, upon reasonable notice, records maintained pursuant to 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 350, 351, 370, 400, Chapter II, Subchapters b and d and 601.
- c) The Department shall have the right to enter at all reasonable times upon any private or public property, except property under the jurisdiction of the federal government, for the purpose of determining whether there is compliance with the provisions of the Act and regulations issued by the Department pursuant thereto. (See Section 8.11 of the Act.)

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 310.80 Violations

- a) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by the Act, or who violates any determination or order of the Department, promulgated pursuant to the Act is guilty of a Class A misdemeanor; provided each day during which violation continues shall constitute a separate offense; and in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. (See Section 13 of the Act.)
- b) Whenever the Department believes upon inspection and examination of a radiation installation or a radiation source as constructed, operated, or maintained that there has been a violation of any of the Department's rules or regulations promulgated pursuant to the Act, the Department, in addition to taking other enforcement action, may impose a civil penalty, not exceeding \$1,000 for such violation, provided each day the violation continues shall constitute a separate offense. (Ill. Rev. Stat. 1985, ch. 111, par. 219) (See Section 9 of the Act.)
- c) The penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General. (See Section 11 of the Act.)

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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## 310.81 Policy for Assessment Civil Penalties

a) Whenever the Department believes upon inspection and examination of a radiation installation or a radiation source as constructed, operated or maintained that there has been a violation of any of the provisions of the Act or of any rules or regulations promulgated pursuant to the Act, the Department, in addition to taking other enforcement action, may impose a civil penalty not exceeding \$1,000 per violation for each day the violation continues, in accordance with the provisions of this Section and Section 310.82. (See Section 9 of the Act.)

b) A civil penalty will be assessed whenever the Department, based on consideration of the factors set forth in subsection (c), determines that a civil penalty is appropriate and issues a Preliminary Order and Notice of Opportunity for Hearing, in accordance with 32 Ill. Adm. Code 200.60.

c) Factors to be Considered in Assessing Civil Penalties

1) The Department shall take into account the factors contained in subsection (c)(2) to determine whether a penalty should be assessed, as provided in subsection (d), and the amount of the penalty.

2) The factors to be considered by the Department are:

A) History of Previous Violations. The Department shall take into account the particular licensee's or registrant's history of previous violations. Each prior violation will be considered without regard to whether it led to a civil penalty assessment. A prior violation shall not be considered, however, if the notice or order relating to the prior violation is the subject of pending administrative or judicial review, or if the time to request such review or to appeal any administrative or judicial decision relating to the prior violation has not expired, and thereafter it shall be considered for only six years. Further, no violation for which the notice or order relating to the prior violation has been vacated shall be considered.

B) Seriousness of the Violation. The Department shall consider the seriousness of the violation, including, but not limited to, contamination of the environment and any hazard to the health or safety of the public or to the employees of the licensee or registrant to whom the Preliminary Order was issued; and

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C) Negligence. The Department shall consider whether the licensee or registrant to whom the Preliminary Order was issued was negligent in causing, allowing, or failing to correct the violation, condition, or practice which led to the Preliminary Order.

d) Determination of the Amount of Penalty; Assessment of Separate Violations for Each Day

1) The Department may assess a civil penalty not to exceed one thousand dollars (\$1,000) per violation for each day the violation continues, from the date of issuance of the Preliminary Order. In determining whether to make such an assessment, the Department shall consider the factors listed in subsection (c).

2) When determining the amount of penalty, the Department may determine each day of a continuing violation to be a separate violation. In making such a determination, the Department shall consider the factors set forth in subsection (c). For purposes of calculating the abatement period, the violations shall be deemed to have first occurred on the first day of the continuing violation and therefore shall have only one abatement date.

3) In addition to the civil penalty provided for in paragraph (1), whenever a violation identified in a notice of violation or preliminary order has not been abated within the abatement period in accordance with the Preliminary Order or as subsequently extended, a civil penalty of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000.00) shall be assessed for each day during which such failure to abate continues past the abatement date, except that:

A) If suspension of the abatement requirements of the preliminary order is ordered in a temporary relief proceeding, after a determination that the licensee or registrant to whom the Preliminary Order was issued will suffer irreparable loss or damage from the application of the requirements, the period permitted for abatement shall not end until the date on which the Department issues a final order with respect to the violation in question.

B) If the licensee or registrant to whom the preliminary order was issued initiates review proceedings under the Administrative Review Act, with respect to the violation, in which the obligations to abate are suspended by the court, the daily assessment of a penalty shall not be made for any period before the entry of a final court order; and

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- c) Penalties for the failure to abate a violation shall not be assessed for more than thirty (30) days for each such violation. If the licensee or registrant has not abated the violation within the thirty (30) day period, the Department shall take appropriate action pursuant to Sections 8.3, 9, 12, 13 or 14 of the Act within thirty (30) days to ensure that abatement occurs or to ensure that there will not be a recurrence of the failure to abate.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## 310.82 Procedures for Assessment of Civil Penalties

## a) Issuance of Assessment

- 1) If the Department assesses a civil penalty pursuant to Section 310.81(b), it shall do so by issuing a Preliminary Order and Notice of Opportunity for Hearing pursuant to 32 Ill. Adm. Code 200.

- 2) Along with such Preliminary Order and Notice of Opportunity for Hearing, the Department shall deliver by certified mail or personal service, a copy of the completed worksheets in Appendix C to the person or operation to whom the Preliminary Order and Notice of Opportunity for Hearing is issued showing the computation of the assessment. A worksheet shall be completed for each violation.

## b) Payment of Assessment

Unless a hearing has been requested, within thirty (30) days after receipt of the Preliminary Order, the person or operation upon whom the penalty was assessed shall pay the penalty in full.

## c) Procedures for Hearing

- 1) The person or operation to whom the Preliminary Order and Notice of Opportunity for Hearing was issued may appeal the imposition of the civil penalty by submitting a written request for a hearing in accordance with 32 Ill. Adm. Code 200.
- 2) Upon receiving such a request for a hearing, the Department shall conduct a public hearing regarding the finding of violation or the penalty assessment, in accordance with the provisions of 32 Ill. Adm. Code 200.

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- 3) If such a hearing is held, the Department subsequently shall issue a Final Order that states findings of fact and the amount of the penalty which is warranted, incorporating, if appropriate, an order requiring that the penalty be paid.

## d) Final Assessment and Payment of Penalty

- 1) If the person or operation to whom a Preliminary Order and Notice of Opportunity for Hearing is issued fails to request a hearing as provided in subsection (b), the assessment shall become a final order of the Department and the penalty assessed shall become due and payable within the thirty (30) days from receipt of the Preliminary Order.
- 2) If either the person or operation to whom a Preliminary Order and Notice of Opportunity for Hearing is issued requests judicial review of a final order of the Department, the penalty assessed in accordance with Section 310.81(c) shall not be payable until completion of the review.

- 3) The civil penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 310.90 Impounding

- a) Authority of Department in cases constituting an immediate threat to health. Notwithstanding any other provision of the Act, whenever the Department finds that a condition exists which constitutes an immediate threat to health due to the violation of any provisions of this Act or any code, rule, regulation or order promulgated under this Act and requiring immediate action to protect the public health or welfare, it may issue an order reciting the existence of such an immediate threat and the findings of the Department pertaining thereto. The Department may summarily cause the abatement of such violation or may direct the Attorney General to obtain an injunction against such violator. (See Section 12 of the Act.)

- b) Such order shall be effective immediately but shall include notice of the time and place of a public hearing before the Department to be held within 30 days of the date of such order to assure the justification of such order. On the basis of such hearing the Department shall continue such order in effect, revoke it or modify it. Any party affected by an order of the Department shall have the right to waive the public hearing proceedings. (See Section 12 of the Act.)

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 310.130 The International System of Units (SI)

The Metric Conversion Act of 1975 (P.L. 94-168, 89 Stat. 1007, effective December 23, 1975) urged the increasing awareness and use of the International System of Units (SI). The generally accepted regulatory values in the narrative portions of this document are followed by the SI equivalents in parentheses. Where appropriate, schedules and appendices are provided with notes concerning conversion factors. The inclusion of the SI equivalent is for informational purposes only.

- absorbed dose - The unit of absorbed dose is the gray (Gy), which is equal to 1 joule per kilogram. One rad is equal to  $1 \times 10^{-2}$  gray. Sub-multiples included in this document are the milligray (mGy) and microgray ( $\mu$ Gy).
- dose equivalent - The unit of dose equivalent is the sievert (Sv) which is equal to 1 joule per kilogram. One rem is equal to  $1 \times 10^{-2}$  sievert. Sub-multiples included in this document are the millisievert (mSv) and the microsievert ( $\mu$ Sv).
- exposure - The unit of exposure is the coulomb per kilogram (C/kg). One roentgen is equal to  $2.58 \times 10^{-4}$  coulomb per kilogram. Submultiples of this unit are the millicoulomb per kilogram (mC/kg) and the microcoulomb per kilogram ( $\mu$ C/kg).
- radioactivity - The unit of measurement of radioactivity is the becquerel (Bq) and is equal to one transformation per second. One curie is equal to  $3.7 \times 10^{10}$  becquerels. Multiples included in this document are kilobecquerel (kBq), megabecquerel (MBq), gigabecquerel (GBq), and petabecquerel (PBq).

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 310. APPENDIX C Penalty Assessment Worksheet

## Description of Violation

Maximum: \$1,000

## A. History of Compliance

If six-year average violation/inspection is:

0 - 2	\$0
3 - 5	\$100 (10%)
>5	\$200 (20%)

## B. Seriousness

No potential	\$0
Potential environmental effects	\$100 (10%)
Potential health effects	\$200 (25%)
Environmental and Health effects	\$400 (45%)

## C. Negligence

No negligence	\$0 (0%)
Negligence	\$100 (10%)
Recklessness	\$200 (20%)
Willfulness	\$400 (40%)

## D. Civil Penalty Proposed for this Violation

## Total of Civil Penalties Proposed

AGENCY NOTE: A separate worksheet is used for each violation, then the sum is obtained for all violations considered in order to obtain the amount of the civil penalty.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: LICENSING OF RADIOACTIVE MATERIAL2) Code Citation: 32 Ill. Adm. Code 330

<u>Section Number:</u>	<u>Proposed Action:</u>
330.10	Amendment
330.30	Amendment
330.200	Amendment
330.220	Amendment
330.240	Amendment
330.250	Amendment
330.260	Amendment
330.270	Amendment
330.280	Amendment
330.310	Amendment
330.320	Amendment
330.340	Amendment
330.400	Amendment
330.900	Amendment
APPENDIX B	Amendment
APPENDIX C	Repealed
APPENDIX D	Amendment
APPENDIX G	New Section
APPENDIX H	New Section

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 211 et seq.).5) A Complete Description of the Subjects and Issues Involved: These proposed amendments:

- A) amend Section 330.30 to exempt certain glassware and glass enamel from the licensure requirements;
- B) amend Section 330.220 to clarify that specific licensees who transfer certain materials to general licensees must also give the general licensees a copy of subsection 330.220(b). This Section is also being amended to clarify that general licensees must comply with the Department's rules governing transportation of radioactive material;
- C) add subsection 330.240(g) and amend subsection 330.280(m) to clarify the information that must be submitted to the Department for licensing and evaluation for distribution of sealed sources and devices containing sealed sources;

- D) amend Section 330.250(c) to clarify the Department's financial surety requirements, to add additional exemptions from these requirements, to specify that financial surety must be based on authorized, rather than actual possession and to add two new Appendices that provide exemplars of financial surety instruments;
  - E) amend Section 330.260 by deleting specific requirements for obtaining licenses to use radioactive materials in the healing arts and inserting a reference to Part 335, Use of Radionuclides in the Healing Arts;
  - F) amend Section 330.260(c) to add additional requirements for pharmacy licensees using radioactive material;
  - G) amend subsection 330.280(e) to add a requirement that licensees report annually, the amount of tritium or promethium-147 transferred to general licensees;
  - H) and new subsection 330.280(n) to establish requirements for specific licensees authorizing the manufacture and distribution of radioactive material for medical use under a general license;
  - I) amend Section 330.310 to add a requirement that licensees notify the Department upon filing of a petition in bankruptcy;
  - J) amend Section 330.320 to clarify the distinction between expiration of a license and termination of a license;
  - K) amend Section 330.340 to clarify that the Department will not issue amendments to licenses for naturally occurring or accelerator produced material to authorize use or possession of source, byproduct or special nuclear material;
  - L) amend Section 330.900 to clarify the Department's procedures for reciprocal recognition of licenses;
  - M) update the citations to the Code of Federal Regulations; and
  - N) make clerical corrections throughout the rule.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes

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9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The Department does not expect the requirements imposed by the proposed rulemaking to require local governments to establish, expand, or modify their activities in such a way as to necessitate significant additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 10, 1990
- B) Types of small businesses affected: These proposed amendments may affect those small businesses as defined by Section 3.10 of the Administrative Procedure Act, that are licensed to receive, possess, utilize, manufacture, distribute, transfer, own, or acquire radioactive materials. With the exception of the financial surety requirements (Section 330.250), the Department believes that any impact on such businesses will be minor. The Department has submitted a copy of these rules to the Business Assistance Office of the Department of Commerce and Community Affairs during this first notice period for their review.
- C) Reporting, bookkeeping or other procedures required for compliance: These proposed amendments may require licensees to obtain financial surety, periodically review the adequacy of such surety, and notify the Department of filing of bankruptcy.
- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance; licensees must however, establish that they satisfy the requirements and have the procedures necessary to handle radioactive materials safely.

The full text of the Proposed Amendment begins on the next page:

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## TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 330

## LICENSING OF RADIOACTIVE MATERIAL

## SUBPART A: GENERAL PROVISIONS

Section  
330.10  
330.30  
330.40

Purpose and Scope  
License Exemption - Source Material  
License Exemption - Radioactive Materials Other Than Source Material

## SUBPART B: TYPES OF LICENSES

Section  
330.200  
330.210  
330.220

Types of Licenses  
General Licenses - Source Material  
General Licenses - Radioactive Material Other Than Source Material

## SUBPART C: SPECIFIC LICENSES

Section  
330.240  
330.250  
330.260

Filing Application for Specific Licenses  
General Requirements for the Issuance of Specific Licenses  
Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

330.270 Special Requirements for Specific Licenses of Broad Scope  
330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices which Contain Radioactive Material

330.300 Issuance of Specific Licenses  
330.310 Specific Terms and Conditions of License  
330.320 Expiration and Termination of Licenses  
330.330 Renewal of Licenses

330.340 Amendment of Licenses at Request of Licensee  
330.350 Department Action on Application to Renew or Amend  
330.360 Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part

330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)  
Transfer of Material

330.400 Modification and Revocation of Licenses  
330.500 Reciprocal Recognition of Licenses

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## SUBPART D: TRANSPORTATION (Repealed)

## Section 330.1000 Transportation of Radioactive Materials (Repealed)

APPENDIX A	EXEMPT CONCENTRATIONS
APPENDIX B	EXEMPT QUANTITIES
APPENDIX C	GROUPS OF MEDICAL USES OF RADIOACTIVE MATERIALS (Repealed)
TABLE A	Group I (Repealed)
TABLE B	Group II (Repealed)
TABLE C	Group III (Repealed)
TABLE D	Group IV (Repealed)
TABLE E	Group V (Repealed)
TABLE F	Group VI (Repealed)
APPENDIX D	LIMITS FOR BROAD LICENSES (SECTION 330.270)
APPENDIX E	Schedule E (Repealed)
APPENDIX F	Schedule F (Repealed)
APPENDIX G	FINANCIAL SURETY ARRANGEMENTS (SECTION 330.250(C)(1)(D))
APPENDIX H	WORDING OF FINANCIAL SURETY ARRANGEMENTS (SECTION 330.250(G)(1)(E))

AUTHORITY: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1986 1989, ch. 111½, pars. 211 et seq.).

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; Recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 330.10 Purpose and Scope

- a) This Part provides for the licensing of radioactive material. No person shall receive, possess, utilize, manufacture, distribute, transfer, own, or acquire radioactive material or devices or equipment utilizing or producing such materials except as authorized in a specific or general license issued pursuant to this Part or as otherwise provided in this Part.

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- b) In addition to the requirements of Section 330.10(a) subsection (a), all licensees are subject to the requirements of this Part, and 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341 and 400. Licensees engaged in industrial radiographic operations are subject to the requirements of 32 Ill. Adm. Code 350. Licensees using sealed sources radioactive material in the healing arts are subject to the requirements of 32 Ill. Adm. Code 370 335 and licensees engaged in wireline and subsurface tracer studies are subject to the requirements of 32 Ill. Adm. Code 351. The requirements of 32 Ill. Adm. Code 330 this Part do not apply to carriers. Carriers are subject to the requirements of 32 Ill. Adm. Code 341.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 330.30 License Exemption - Source Material

- a) Any person is exempt from this Part to the extent that such person receives, possesses, uses, owns, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20 of 1 percent (0.05 percent) of the mixture, compound, solution, or alloy.
- b) Any person is exempt from this Part to the extent that such person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, such person shall not refine or process such ore.
- c) Any person is exempt from this Part to the extent that such person receives, possesses, uses, or transfers:
- 1) Any quantities of thorium contained in:
    - A) Incandescent gas mantles,
    - B) Vacuum tubes,
    - C) Welding rods,
    - D) Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium,
    - E) Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than 2 grams of thorium,

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- F) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or
- G) Personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium.
- 2) Source material contained in the following products:
- A) Glazed ceramic tableware, provided that the glaze contains not more than 20 percent by weight source material,
- B) Piezoelectric ceramic containing not more than 2 percent by weight source material,<sup>1</sup>
- C) Glassware containing not more than 10 percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass, or ceramic used in construction, and
- D) Glass enamel or glass enamel frit containing not more than 10 percent by weight source material imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.
- 3) Photographic film, negatives, and prints containing uranium or thorium.
- 4) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment, or processing of any such product or part.
- 5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored, or handled in connection with installation or removal of such counterweights, provided that:
- A) The counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, authorizing distribution by the licensee pursuant to 10 CFR 40.13(c)(5)(i), as in effect on June 30, 1969.<sup>1</sup>

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- B) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM".<sup>2</sup>

AGENCY NOTE: The requirement specified in subsection (C)(5)(B) does not need to be met by counterweights manufactured prior to December 31, 1969; provided that such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect June 30, 1969. A copy of this rule is available for public inspection at the Department of Nuclear Safety (Department).

- C) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED",<sup>1</sup> and

\*AGENCY NOTE: The requirements requirement specified in Section 330.30 subsection (c)(5)(B) and (C) does not need to be met by counterweights manufactured prior to December 31, 1969; provided that such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect June 30, 1969. A copy of this rule is available for public inspection at the Department of Nuclear Safety (Department).

- D) This exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or covering.

- 6) Natural or depleted uranium metal used as shielding constituting part of any shipping container, provided that:

- A) The shipping container is conspicuously and legibly impressed with the legend, "CAUTION- RADIOACTIVE SHIELDING- URANIUM"; and

- B) The uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of one-eighth inch (3.2mm).

- 7) Thorium contained in finished optical lenses, provided that each lens does not contain more than 30 percent by weight of thorium, and that this exemption shall not be deemed to authorize either:

- A) The shaping, grinding, or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without any alteration of the lens, or
- B) The receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.
- 8) Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie of uranium; or
- 9) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
- A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide), and
- B) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.
- d) The exemptions in Section 330.30 subsection (c) do not authorize the manufacture of any of the products described.
- e) Any licensee is exempt from the requirements of this Part to the extent that its activities are subject to the requirements of 32 Ill. Adm. Code 601, except as specifically provided for in 32 Ill. Adm. Code 601.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

SUBPART B: TYPES OF LICENSES

Section 330.200 Types of Licenses

Licenses for radioactive materials are of two types: general and specific.

- a) "General license" means a license, set forth in this Part and 32 Ill. Adm. Code 341, which is effective without the filing of an application to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing radioactive material, (Ill. Rev. Stat. 1986 1989, ch. 111, par. 213.4), although the filing of a certificate with the Department may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code 320, 330, 331, 335, 340, 341, 350, 351, 370, 400 and 601 and any limitations of the general license.

- b) "Specific license" means a license, as set forth in this Part, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive material (Ill. Rev. Stat. 1986 1989, ch. 111, par. 213.13). The licensee is subject to all applicable portions of 32 Ill. Adm. Code 320, 330, 331, 335, 340, 341, 350, 351, 370, 400 and 601 as well as any limitations specified in the licensing document.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

Section 330.220 General Licenses - Radioactive Material Other Than Source Material

- a) Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to Section 31.3 of 10 CFR 31. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340\*, 341, 400, and Sections 330.40(a)(2), 330.310, 330.400, and 330.500 of this Part.

\*AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 which relate to the labeling of containers.

- 1) Static Elimination Device. Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries (18.5 MBq) of polonium-210 per device or a total of not more than 50 millicuries (1.85 GBq) of hydrogen-3 (tritium) per device.
- 2) Ion Generating Tube. Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries (18.5 MBq) of polonium-210 per device or a total of not more than 50 millicuries (1.85 GBq) of hydrogen-3 (tritium) per device.

- d b) Certain Measuring, Gauging or Controlling Devices.

- 1) A general license is hereby issued to commercial and industrial firms and to research, educational, and medical institutions, individuals in the conduct of their business, and State or local government agencies to own, receive, acquire, possess, use, or transfer in accordance with the provisions of Section 330.200(d) subsection (b)(2), (3), and (4), radioactive material, excluding

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special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

- 2) The general license in Section 330.220(d) subsection (b)(1) applies only to radioactive material contained in devices which have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to Section 330.280(d) or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, which authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State.\*

\*AGENCY NOTE: Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 179.21.

- 3) Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device pursuant to the general license in Section 330.220(d) subsection (b)(1):
- A) s~~S~~hall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained thereon and shall comply with all instructions and precautions provided by such labels;
  - B) s~~S~~hall assure that the device is tested for leakage of radioactive material and proper operation of the "on-off" mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified in the label; however,

- I) d~~D~~evices containing only krypton need not be tested for leakage of radioactive material, and
- 1) d~~D~~evices containing only tritium or not more than 100 microcuries (3.7 MBq) of other beta- and/or gamma-beta and/or gamma emitting material or 10 microcuries (0.37 MBq) of alpha-emitting alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

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- C) s~~S~~hall assure that other testing, installation, servicing, and removal from installation involving the radioactive material, its shielding or containment, are performed:

- i) i~~I~~n accordance with the instructions provided by the labels, or
- ii) b~~B~~y a person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State to perform such activities;

- D) s~~S~~hall maintain records showing compliance with the requirements of Section 330.220(d) subsections (b)(3)(B) and (3)(C). The records shall show the results of tests concerning the installation, servicing and removal of radioactive material, its shielding or containment these records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding or containment these tests. Records of tests for leakage of radioactive material required by Section 330.220(d) subsection (b)(3)(B) shall be maintained for 1 year after the next required leak test is performed or until the sealed source is transferred or disposed of. Records of tests of the "on-off" mechanism and indicator required by Section 330.220(d) subsection (b)(3)(B) shall be maintained for 1 year after the next required test of the "on-off" mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records which are required by Section 330.220(d) subsection (b)(3)(C) shall be maintained for a period of 2 years from the date of the recorded event or until the device is transferred or disposed of;

- E) u~~U~~pon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the "on-off" mechanism or indicator, or upon the detection of 0.005 microcurie (185 Bq) or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State to repair such devices, or disposed of by transfer to a person authorized by an applicable specific

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license to receive the radioactive material contained in the device and, within 30 days, furnish to the Department a report containing a brief description of the event and the remedial action taken;

- F) sShall not abandon the device containing radioactive material;
- G) eExcept as provided in Section 330.220(d) subsection (b) (3)(H), shall transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State whose specific license authorizes him to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Department a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;
- H) sShall transfer the device to another general licensee only:
  - i) where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this regulation subsection (b) and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's name and model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the Department and the transferee; or
  - ii) where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee;
- I) sShall comply with the provisions of 32 Ill. Adm. Code 340.4020 and 340.4030 for reporting radiation incidents, theft, or loss of licensed material, but shall be exempt from the other requirements of 32 Ill. Adm. Code 340 and 400.

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- 4) The general license in Section 330.220(d) subsection (b)(1) does not authorize the manufacture of devices containing radioactive material.
- 5) The general license provided in Section 330.220(d) subsection (b)(1) is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400, and 330.500 of this Part.

ec) Luminous Safety Devices for Aircraft.

- 1) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:
  - A) eEach device contains not more than 10 curies (370 GBq) of tritium or 300 millicuries (11.1 GBq) of promethium-147; and
  - B) eEach device has been manufactured, assembled, or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or any Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR 32, revised as of January 1, 1986 1989, exclusive of any subsequent amendments or editions. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.
- 2) Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in Section 330.220(e) subsection (c)(1) are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.4020 and 340.4030.
- 3) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.
- 4) This general license does not authorize the ownership, receipt, acquisition, possession, or use of promethium-147 contained in instrument dials.

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- 5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400, and 330.500 of this Part.

**(d)** Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession, or use of radioactive material.

**(g)** Calibration and References Sources.

- 1) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of Section 330.220(g) subsections (e)(4) and (5), americium-241 in the form of calibration or reference sources:

- A) any person who holds a specific license issued by the Department which authorizes him to receive, possess, use, and transfer radioactive material; and
- B) any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission which authorizes him to receive, possess, use, and transfer special nuclear material.

- 2) A general license is hereby issued to own, receive, possess, use, and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of Section 330.220(g) subsections (e)(4) and (5) to any person who holds a specific license issued by the Department which authorizes him to receive, possess, use, and transfer radioactive material.

- 3) A general license is hereby issued to own, receive, possess, use, and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of Section 330.220(g) subsections (e)(4) and (5) to any person who holds a specific license issued by the Department which authorizes him to receive, possess, use, and transfer radioactive material.

- 4) The general licenses in Section 330.220(g) subsections (e)(1), (2) and (3) apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory

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Commission pursuant to Section 32.57 of 10 CFR 32 or Section 70.39 of 10 CFR 70, revised as of January 1, 1985 1989, or which have been manufactured in accordance with the specifications contained in a specific license issued by the Department, any Agreement State, or Licensing State pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR 32 or Section 70.39 of 10 CFR 70, revised as of January 1, 1985 1989. Licensing requirements contained in subsequent amendments or editions of 10 CFR 32 or 10 CFR 70 are not incorporated into this rule Part. Copies of 10 CFR 32 and 10 CFR 70 are available for public inspection at the Department of Nuclear Safety.

- 5) The general licenses provided in Section 330.220(g) subsections (e)(1), (2), and (3) are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400, and Sections 330.310, 330.400, and 330.500 of this Part. In addition, persons who own, receive, acquire, possess, use, or transfer one or more calibration or reference sources pursuant to these general licenses:

- A) shall not possess at any one time, at any one location of storage or use, more than 5 microcuries (185 kBq) of americium-241, 5 microcuries (185 kBq) of plutonium, or 5 microcuries (185 kBq) of radium-226 in such sources;
- B) shall not receive, possess, use, or transfer such source unless the source, or the storage container, bears a label which includes one of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, as appropriate:

- 1) The receipt, possession, use, and transfer of this source, Model \_\_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) - DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

\_\_\_\_\_  
Name of Manufacturer or Importer

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\*AGENCY NOTE: Showing only the name of the appropriate material.

- ii) The receipt, possession, use, and transfer of this source, Model                     , Serial No.                     , are subject to a general license and the regulations of a Licensing State. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

- C) sShall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State to receive the source;
- D) sShall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and
- E) sShall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

- 6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.

h) Medical Diagnostic Uses.\*

\*AGENCY NOTE: Section 330-280(g) requires manufacturers of radiopharmaceuticals which are under the general license in this paragraph to affix a certain identifying label to the container or in the leaflet or brochure which accompanies the radiopharmaceutical.

\*AGENCY NOTE: The New Drug Provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 505(i)) also govern the availability and use of any specific diagnostic drugs in interstate commerce.

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- 1) A general license is hereby issued to any physician to receive, possess, transfer, or use radioactive material set forth below for the stated diagnostic uses, provided, however, that the use is in accordance with the provision of Section 330-220(h)(2), (3), and (4); the radioactive material is in the form of capsules, disposable syringes, or other prepackaged individual doses; and the radioactive material has been manufactured in accordance with a specific license issued by the Department pursuant to Section 330-280(g), or by the U.S. Nuclear Regulatory Commission, any Agreement State, or a Licensing State pursuant to equivalent regulations authorizing distribution to persons generally licensed pursuant to Section 330-220(h) or its equivalent:
- A) Chromium-51 as sodium chromochromate for determination of red blood cell volumes and studies of red blood cell survival time;
- B) Cobalt-57 for the measurement of intestinal absorption of cyanocobalamin;
- C) Cobalt-58 for the measurement of intestinal absorption of cyanocobalamin;
- D) Cobalt-60 for the measurement of intestinal absorption of cyanocobalamin;
- E) Iodine-125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;
- F) Iodine-131 as sodium iodide for measurement of thyroid uptake; and
- G) Iodine-131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume.
- 2) No physician shall receive, possess, use, or transfer radioactive material pursuant to the general license established by Section 330-220(h)(1) until he has filed Department Form KLM-006, "Certificate - Medical Use of Radioactive Material Under General License" with the Department and received from the Department a validated copy of the Department Form KLM-005 with certification number assigned. The generally licensed physician shall furnish on Department Form KLM-005 the following information and such other information as may be required by that form:

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- A) Name and address of the generally licensed physician
- B) A statement that the generally licensed physician is a duly licensed physician authorized to dispense drugs in the practice of medicine in this State; and
- C) A statement that the generally licensed physician has appropriate radiation measuring instruments to carry out the diagnostic procedures for which he proposes to use radioactive material under the general license of Section 330-220(h) and that he is competent in the use of such instruments.
- 3) A physician who receives, possesses, or uses a pharmaceutical containing radioactive material pursuant to the general license established by Section 330-220(h)(1):
- A) shall not possess at any one time, pursuant to the general license in Section 330-220(h)(1), more than
- i) 200 microcuries (7.4 MBq) of iodine-131;
  - ii) 200 microcuries (7.4 MBq) of iodine-125;
  - iii) 5 microcuries (185 kBq) of cobalt-57;
  - iv) 5 microcuries (185 kBq) of cobalt-58;
  - v) 5 microcuries (185 kBq) of cobalt-60; and
  - vi) 200 microcuries (7.4 MBq) of chromium-51
- B) shall store the pharmaceutical until administered in the original shipping container, or a container providing equivalent radiation protection;
- C) shall use the pharmaceutical only for the uses authorized by Section 330-220(h)(1);
- D) shall not administer the pharmaceutical to a woman with confirmed pregnancy or to a person under 18 years of age; and

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- E) shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or Licensing State, or in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.
- 4) The generally licensed physician possessing or using radioactive material under the general license of Section 330-220(h)(1) shall report in duplicate to the Department, any changes in the information furnished by him in the "Certificate - Medical Use of Radioactive Material Under General License, Department Form KLM-006." The report shall be submitted within 30 days after the effective date of such change.
- 5) Any person using radioactive material pursuant to the general license of Section 330-220(h)(1) is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to the radioactive material covered by the general license.
- f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing.\*
- \*AGENCY NOTE: The New Drug provisions of the Federal Food, Drug, and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.
- 1) A general license is hereby issued to any physician, veterinarian, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of Section 330-220(i) subsections (f)(2), (3), (4), (5), and (6), the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:
- A) Carbon-14, in units not exceeding 10 microcuries (370 kBq) each.
  - B) Cobalt-57, in units not exceeding 10 microcuries (370 kBq) each.
  - C) Hydrogen-3 (tritium), in units not exceeding 50 microcuries (1.85 MBq) each.

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- D) Iodine-125, in units not exceeding 10 microcuries (370 kBq each).
- E) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie (1.85 kBq) of Iodine-129 and 0.005 microcurie (1.85 Bq) of Americium-241 each.
- F) Iodine-131, in units not exceeding 10 microcuries (370 kBq) each.

- G) Iron-59, in units not exceeding 20 microcuries (740 kBq) each.
- H) Selenium-75, in units not exceeding 10 microcuries (370 kBq) each.

- 2) No person shall receive, acquire, possess, use, or transfer radioactive material pursuant to the general license established by Section 330.220(4) subsection (f)(1) until he has filed:

A) Filed Department Form KLM.006, "Certificate - In Vitro Testing with Radioactive Material Under General License", with the Department and received from the Department a validated copy of Department Form KLM.006 with certification number assigned, or he has been

B) Been licensed pursuant to Section 330.260(e)(3) to use radioactive material under the general license in Section 330.220(4) Section 330.260(a) for medical use of radioactive material specified in 32 Ill. Adm. Code 335.3010 or 335.4010.

C) The physician, veterinarian, clinical laboratory, or hospital requesting general licensure pursuant to subsection (f)(2)(A) shall furnish on Department Form KLM.006 the following information and such other information as may be required by that form:

Ai) A Name and address of the physician, veterinarian, clinical laboratory, or hospital;

Bii) The location of use; and

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Giii) A statement that the physician, veterinarian, clinical laboratory, or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in Section 330.220(4) subsection (f)(1) and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

- 3) A person who receives, acquires, possesses, or uses radioactive material pursuant to the general license established by Section 330.220(4) subsection (f)(1) shall comply with the following:

A) The general licensee shall not possess at any one time, pursuant to the general license in Section 330.220(4) subsection (f)(1), at any one location of storage, or use a total amount of Iodine-125, Iodine-131, selenium-75, iron-59, and/or cobalt-57 in excess of 200 microcuries (7.4 MBq).

B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

C) The general licensee shall use the radioactive material only for the uses authorized by Section 330.220(4) subsection (f)(1).

D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Department, the U.S. Nuclear Regulatory Commission, any Agreement State, or Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

E) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in Section 330.220(4) subsection (f)(1)(E) as required by 32 Ill. Adm. Code 340.3010.

- 4) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to Section 330.220(4) subsection (f)(1):

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- A) Except as prepackaged units which are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(kg) or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, any Agreement State, or Licensing State which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or molybdenum-99 to persons generally licensed under Section 330.220(i) subsection (f) or its equivalent, and
- B) Unless one of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:
- 1) This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

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Name of Manufacturer

- 1) This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of a Licensing State.

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Name of Manufacturer

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- 5) The physician, veterinarian, clinical laboratory, or hospital possessing or using radioactive material under the general license of Section 330.220(i) subsection (f)(1) shall report in writing to the Department, any changes in the information furnished by him in the "Certificate - In Vitro Testing with Radioactive Material Under General License", Department Form KLM.006. The report shall be furnished within 30 days after the effective date of such change.
- 6) Any person using radioactive material pursuant to the general license of Section 330.220(i) subsection (f)(1) is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in Section 330.220(i)(1)(4) shall comply with the provisions of 32 Ill. Adm. Code 340.3010, 340.4020 and 340.4030. In addition, persons using mock iodine-125 described in subsection (f)(1)(E) shall also comply with the provisions of 32 Ill. Adm. Code 340.4020 and 340.4030.
- 3g) Ice Detection Devices.
- 1) A general license is hereby issued to own, receive, acquire, possess, use, and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 50 microcuries (1.85 MBq) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR 32.
- 2) Persons who own, receive, acquire, possess, use, or transfer strontium-90 contained in ice detection devices pursuant to the general license in Section 330.220(j) subsection (g)(1):
- A) shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.3010;

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- B) sShall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and
- C) aAre exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.3010, 340.4020 and 340.4030.
- 3) This general license does not authorize the manufacture, assembly, disassembly, or repair of strontium-90 in ice detection devices.
- 4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341, and Sections 330.310, 330.400, and 330.500 of this Part.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## SUBPART C: SPECIFIC LICENSES

## Section 330.240 Filing Application for Specific Licenses

- a) Applications for specific licenses shall be filed in duplicate on forms prescribed by the Department.
- b) The Department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Department to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.
- c) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.
- d) An application may include a request for a license authorizing one or more activities. The Department will not grant the request if the proposed activities are not under the control of the same facility, administrator, and radiation safety officer. In addition, when evaluating the request, the Department will consider complexity, similarity, and proximity of the proposed activities.
- e) In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Department provided such references are clear and specific.

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- f) Public inspection of applications and other documents submitted to the Department pursuant to this Section shall be in accordance with 2 Ill. Adm. Code 1076 and the requirements of the Freedom of Information Act (Ill. Rev. Stat. 1986 1989, ch. 116, par. 201 et seq.).
- g) An application for a specific license to authorize receipt, possession, or use of radioactive material in the form of a sealed source or in a device that contains a sealed source must either:
- 1) Identify the sealed source or device that contains a sealed source by manufacturer and model number as filed in an evaluation sheet in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices"; or
  - 2) Contain the information identified in Section 330.280(m).

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 330.250 General Requirements for the Issuance of Specific Licenses

- a) A license application will be approved only if the Department determines that:
- 1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with this Part in such a manner as to minimize danger to public health and safety or property;
  - 2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;
  - 3) The issuance of the license will not be inimical to the health and safety of the public; and
  - 4) The applicant satisfies any applicable special requirements in Sections 330.260, 330.270, or 330.280.
- b) Environmental Report, Commencement of Construction.
- 1) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity which the Department determines will significantly affect the quality of

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the environment, a license application must be reviewed and approved by the Department before commencement of construction of the plant or facility in which the activity will be conducted. Issuance of the license shall be based upon a consideration by the Department of the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives, and a determination that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values;

- 2) Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values; and.

- c) Financial Surety Arrangements for Reclaiming Sites. Reclamation For purposes of this subsection, "reclaiming" shall mean returning property to a condition or state such that the property no longer presents a public health or safety hazard or threat to the environment.

- 1) Issuance Unless exempted by subsection (c)(4), issuance or amendment of a license shall be dependent upon satisfactory evidence of financial surety arrangements to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the Act, and this Part, 32 Ill. Adm. Code 200 and 340, or orders issued thereunder. Self insurance, or any arrangement which essentially constitutes self insurance, will not satisfy the surety requirements since such arrangement provides no further assurance than being without insurance. Pursuant to Section 6(a)(5) of the Radiation Protection Act (Ill. Rev. Stat. 1985, ch. 111, par. 216(a)(5)), and as otherwise provided, financial surety arrangements for site reclamation may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, letters of credit, or any combination of the above for the categories of licensees listed in Section 330-250(c)(4). Determination of satisfactory surety arrangements shall be subject to the following conditions:

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- A) Pursuant to Section 6(a)(5) of the Radiation Protection Act (Ill. Rev. Stat. 1985, ch. 111, par. 216(a)(5)), and as otherwise provided, financial surety arrangements for site reclamation may consist of surety bonds, certificates of deposit, deposits of government securities, letters or lines of credit, insurance policies, or any combination of the above for the categories of licensees listed in subsection (c)(3). The amount of funds to be ensured by such surety arrangements shall be based on Department-approved reclaiming cost estimates for disposal of all radioactive material authorized under the license, including removal of all radioactive contamination caused by authorized material to a level in conformance with 32 Ill. Adm. Code 340, Appendix C. The Department shall consider the following in approving the cost estimate of the financial surety requirements for each individual applicant or licensee:

- i) The probable extent of contamination through the use or possession of radioactive material at the facility or site and the probable cost of removal of such contamination to a level in conformance with 32 Ill. Adm. Code 340, Appendix C. This consideration shall encompass probable contaminating events associated with licensee's methods or modes of operation and shall be based on factors such as quantities, half-lives, radiation hazards and toxicities, and chemical and physical forms;
- ii) The extent of possible off-site property damage caused by operation of the facility or site;
- iii) The cost of removal and disposal of sources of radiation, which are or would be generated, stored, processed, or otherwise present at the licensed facility or site; and
- iv) The costs involved in reclaiming the property on which the facility or site is located, and all other properties contaminated by radioactive material authorized under the license.

- B) Self insurance, or any arrangement which essentially constitutes self insurance, will not satisfy the surety requirement since this provides no further assurance than being without insurance; The financial surety arrangement

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shall be filed with and maintained by the Chief, Division of Nuclear Materials of the Department (hereafter referred to as the Division Chief) in a dollar amount greater than or equal to the amount approved by the Department and determined as necessary to provide for the protection of public health and safety in accordance with subsection (C)(1)(A).

- i) A licensee or applicant shall submit a cost estimate for approval by the Department in accordance with subsection (C)(1)(A).
- ii) The licensee's surety arrangement may be reviewed annually by the Department and be adjusted to recognize any increases or decreases resulting from inflation or deflation, changes in engineering plans, activities performed and any other condition affecting costs for reclaiming to ensure that sufficient surety is retained to cover liability which remains until license termination.
- iii) Whenever the cost estimate for reclaiming increases to an amount greater than the amount of financial surety currently filed with the Division Chief, other than as a result of an amendment request, the licensee shall, within sixty (60) days after the increase, file additional financial surety at least equal to this increase.
- iv) Whenever a license amendment would raise the cost estimate for reclaiming to an amount greater than the amount of financial surety currently filed with the Division Chief, the amendment will not be issued until the required surety arrangements are established.
- v) Whenever the current reclaiming cost estimate decreases, providing the decrease is validated by the Division Chief and upon the written request of the licensee, the Division Chief shall reduce the amount of financial surety required for the facility to the amount of the current reclaiming cost estimate. Upon such occurrence, the Division Chief shall, considering the financial surety arrangement(s) on file, either cause to be released to the licensee collateral which has been deposited equal to this reduction or allow the licensee to substitute for the arrangement(s) on file new arrangement(s) in the reduced amount.

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- vi) The term of the surety arrangement shall be for the period from issuance of the license until the termination of the license by the Department in accordance with Section 330.320.
  - vii) Upon termination of the license, the Division Chief will release all surety amounts not previously forfeited by the licensee.
- C) The Director:
- i) May order that any financial surety filed by a licensee pursuant to subsection (C) be forfeited to the State if the Director determines that the licensee has failed to perform reclaiming to assure health and safety from radiation hazards and comply with other license requirements or orders pertaining to reclaiming. Any such forfeiture action shall follow the procedures provided in 32 Ill. Adm. Code 200.
  - ii) Shall, upon the date of issuance of the final order described in subsection (C)(1)(C)(i), notify the Attorney General who shall collect the forfeiture if voluntary payment is not made within thirty (30) days of the date of issuance of the final order.
  - iii) Shall deposit all funds from forfeited financial sureties in a temporary, locally-held trust fund to be administered by the Department for site reclaiming.
- D) The licensee or applicant must choose from the financial surety arrangement(s) specified in Appendix G of this Part.
- E) The wording of the financial surety may be identical to the wording of the corresponding arrangement in Appendix H of this Part and must contain provisions described in Appendix G of this Part.
- F) Use of Multiple Financial Surety Arrangements. The licensee or applicant may utilize more than one financial surety arrangement per facility to satisfy the requirement specified in subsection (C)(1). These arrangements are limited to bonds supported by letters of credit, insurance and securities. The arrangement must be as specified in Appendix G of this Part, except that it is the combination of arrangements, rather than the single arrangement, which must provide financial surety for the necessary amount.

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G) Use of Financial Surety Arrangement for Multiple Facilities and/or Multiple Licensees at a Facility. The licensee or applicant may use a financial surety arrangement specified in Appendix G of this Part to meet the requirements of subsection (c)(1) for more than one licensee he holds, or more than one facility he owns, or operates in Illinois. The arrangement submitted to the Division Chief must include a list indicating, for each facility, the license number(s), name(s), address(es) and amount(s) of funds for reclaiming assured by the arrangement. The amount of funds available through the arrangement must not be less than the sum of the sureties that would be available if a separate arrangement had been filed and maintained for each license or facility. If more than one license exists for a facility, the amount of funds for each license shall be specified.

H) Substitution of Alternate Financial Surety Arrangement. The licensee may substitute an alternate financial surety arrangement specified in Appendix G of this Part meeting the requirements of subsection (c)(1) for the financial surety already filed with the Department for the facility. However, the existing arrangement shall not be released by the Division Chief until the substitute financial surety arrangement has been received and approved.

I) Any applicant or licensee who fulfills the requirements of subsection (c)(1) by obtaining a surety bond, letter of credit, or insurance policy, will be deemed to be without the required financial surety in the event of bankruptcy of the issuing institution, or a suspension, or revocation of the authority of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The applicant or licensee must establish other Department-approved financial surety within thirty (30) days after such an event.

2) The arrangements required in Section 330.250 subsection (c)(1) shall be established prior to issuance or amendment of the license to assure that sufficient funds will be available to carry out the decontamination and decommissioning of the facility for reclaiming;

3) Amendments to licenses in effect on the effective date of this regulation may be issued providing that the required surety arrangements are established within 90 days after the effective date of Section 330.250(c);

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4)3) The following specific licensees are required to make financial surety arrangements:

- A) Major processors;
- B) Waste handling licensees;
- C) Former U-S- Atomic Energy Commission or U-S- Nuclear Regulatory Commission licensed facilities ~~Net~~ source storage irradiators;

D) All others except persons exempt pursuant to Section 330.250(e)(6) Ore processors which produce source material tailings or sludge;

E) Possessors of source material tailings or sludge;

F) Persons who use particle accelerators to manufacture radionuclides for distribution to other licensees or customers;

G) Former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities that were licensed pursuant to 10 CFR 50, unless exempted by subsection (c)(4); and

H) Persons other than those listed in subsection (c)(4) who are licensed to possess radioactive material such that the estimated reclaiming costs would be \$50,000 or greater.

6)4) The following persons are exempt from the requirements of Section 330.250 subsection (c)(1):

- A) All State, local, or other government agencies, unless they are subject to Section 330.250(e)(4)(B) subsections (c)(3)(A) or (c)(3)(B);

AGENCY NOTE: For purposes of subsection (c), "government agencies" shall not include federal or state contractors, non-governmental recipients of government grants, or non-governmental medical institutions.

B) Persons authorized to possess no more than 1,330 times the quantity specified in Appendix B of this Part or combination of radioactive material listed therein as given in Appendix B, Note 1, of this Part; All educational institutions;

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AGENCY NOTE: An educational institution is a non-profit organization whose purpose is the advancement of knowledge in one or more specific fields and which is accredited by the North Central Accreditation Association.

- C) Persons authorized to possess hydrogen-3 contained as hydrogen gas in a sealed source or only radioactive materials with half-lives of sixty-five (65) days or less;
  - D) Persons authorized to possess radioactive noble gases in sealed sources with no radioactive daughter product with half life greater than 30 days and licensed to manufacture or possess, but not distribute, radioactive material for medical purposes, including veterinary medicine;
  - E) Persons licensed to perform industrial radiography;
  - F) Persons licensed to perform wireline service operations and subsurface tracer studies;
  - G) Persons licensed to distribute radiopharmaceuticals, generators, or reagent kits as a nuclear pharmacy;
  - H) Persons licensed to distribute, without processing, radioactive material or products containing radioactive material;
  - I) Persons licensed to possess irradiators, other than wet source storage irradiators;
  - J) Persons licensed to possess source material (depleted uranium) for shielding purposes;
  - K) Persons licensed to possess radioactive material for use in analytical instruments; and
  - L) Persons licensed to possess radioactive material in gauges or other measuring systems.
- 5) If a licensee would be exempt from financial surety requirements pursuant to subsections (c)(4)(D) through (c)(4)(L) and is also described in subsection (c)(3), the licensee shall be subject to the requirements of subsection (c)(1) for all operations authorized by the license.

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## d) Long-Term Care Requirements.

- 1) A license application will be approved only if the Department determines that a long-term care fund for monitoring and maintenance has been established by the waste handling licensee prior to the issuance of the license; or
- 2) Prior to the termination of the license, if the applicant chooses. The waste handling applicants may choose, at the time of the licensure, to provide a financial surety arrangement in lieu of a long-term care fund.\*

\*AGENCY NOTE: Long-term care funding may also be required for former U.S. Atomic Energy Commission, or U.S. Nuclear Regulatory Commission licensed facilities, or persons whose activities cause situations that significantly affect the public health and safety, or the environment by reason of exposure to radiation or radioactive materials.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

- a) Specific Licenses to Institutions for Human Use of Radioactive Material. In addition to the requirements set forth in Section 330.250, a specific license for human use of radioactive material in institutions will be issued if: the applicant has met the requirements of 32 Ill. Adm. Code 335.
  - 1) The applicant has appointed a radiation safety committee to oversee the use of licensed material throughout the institution and to review the institution's radiation safety program. Membership of the committee must include at least the following: an authorized user for each type of use permitted by the licensee; a representative of the nursing staff; a representative of the institution's management; and the Radiation Safety Officer;
  - 2) The applicant possesses adequate facilities for the ethical care of patients;
  - 3) The physician designated on the application as the individual user has substantial experience in the handling and administration of radioactive material and, where applicable, the ethical management of radioactive patients;

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- 4) If the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant's staff has substantial experience in the use of a variety of radioactive materials for a variety of human uses;
- 5) Human Use of Sealed Sources. In addition, a specific license for human use of sealed sources will be issued only if the physician designated in the application has specialized training in the diagnostic or therapeutic use of the sealed source considered, or has experience equivalent to such training;
- b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material will be approved if:
  - 1A) The applicant satisfies the general requirements specified in Section 330.250;
  - 2B) The application is for use in the applicant's practice in an office outside a medical institution; and
  - c) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and
  - D) The applicant has extensive experience in the proposed use, the handling, and the administration of radionuclides, and where applicable, the clinical management of radioactive patients.
- 3) The applicant has met the requirements of 32 Ill. Adm. Code 335.

- 2) The Department will not approve an application by an individual physician or group of physicians for a specific license to receive, possess, or use radioactive material on the premises of a medical institution unless:
  - A) The use of radioactive material is limited to:
    - i) The administration of radiopharmaceuticals for diagnostic or therapeutic purposes;
    - ii) The performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

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- iii) The performance of *in vitro* diagnostic studies; or
- iv) The calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation, and diagnostic instrumentation.
- B) The physician brings the radioactive material with him and removes the radioactive material when he departs. (The institution cannot receive, possess, or store radioactive material other than the amount of material remaining in the patient); and
- C) The medical institution does not hold a radioactive material license under Section 330.260(a).
- 3) Human Use of Sealed Sources. In addition, a specific license for human use of sealed sources will be issued only if the physician designated in the application has specialized training in the diagnostic or therapeutic use of the sealed source considered, or has experience equivalent to such training.
- e) Specific Licenses for Certain Groups of Medical Uses of Radioactive Material.
  - 1) Subject to the provisions of Section 330.260(c)(2), (3), and (4), an application for a specific license pursuant to Section 330.260(a) or (b) for any medical use or uses of radioactive material specified in one or more of Groups I to VI, inclusive, of Appendix C of this Part will be approved for all of the uses within the Group or Groups as specified in Appendix C. The Department will approve all such uses whether or not they are specified in the application if:
    - A) The applicant satisfies the requirements of Section 330.260(a), or (b);
    - B) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the Group or Groups;
    - C) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the Group or Groups;

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- D) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the Group or Groups; and
- E) The applicant's radiation safety operating procedures are adequate for handling and disposing of the radioactive material involved in the uses included in the Group or Groups.
- 2) Any licensee or registrant who is authorized to use radioactive material pursuant to one or more Groups in Section 330.260(c)(1) and Appendix C of this Part is subject to the following conditions:
- A) For Groups I, II, IV, and V, no licensee or registrant shall receive, possess, or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged, and distributed in accordance with a specific license issued by the Department pursuant to Section 330.280(j), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR 32, or a specific license issued by an Agreement State or a Licensing State pursuant to regulations equivalent to those contained in Section 32.72 of 10 CFR 32, revised as of January 1, 1986 exclusive of any subsequent amendments or editions. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.

- B) For Group III, no licensee or registrant shall receive, possess, or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

- i) Reagent kits not containing radioactive material that are approved by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State for use by persons licensed pursuant to Section 330.260(c) and Appendix C of this Part or equivalent regulations; or
- ii) Generators or reagent kits containing radioactive material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Department pursuant to Section 330.280(k), a specific license issued by the U.S. Nuclear

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Regulatory Commission pursuant to Section 32.73 of 10 CFR 32, or a specific license issued by an Agreement State or a Licensing State pursuant to regulations equivalent to those contained in Section 32.73 of 10 CFR 32, revised as of January 1, 1986 exclusive of any subsequent amendments or editions. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.

- C) For Group VI, no licensee or registrant shall receive, possess, or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Department pursuant to Section 330.280(i), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR 32, or a specific license issued to the manufacturer by an Agreement State or a Licensing State pursuant to regulations equivalent to those contained in Section 32.74 of 10 CFR 32, revised as of January 1, 1986 exclusive of any subsequent amendments or editions. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.

- D) For Group III, any licensee or registrant using generators or reagent kits shall:
- i) elute the generator, or process radioactive material with the reagent kit, in accordance with instructions furnished by the manufacturer on the label attached to or in the leaflet or brochure that accompanies the generator or reagent kit;
- ii) before administration to patients, cause each elution or extraction of technetium-99m from a molybdenum-99/technetium-99m generator to be tested to determine either the total molybdenum-99 activity or the concentration of molybdenum-99. This testing shall be conducted according to written procedures and by personnel who have been specifically trained to perform the test;
- iii) prohibit the administration to patients of technetium-99m containing more than 1 microcurie (37 kBq) of molybdenum-99 per millicurie (37 MBq) of technetium-99m, or more than 5 microcuries (185 kBq) of molybdenum-99 per administered dose, at the time of administration; and

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- iv) maintain for 3 years for Department inspection records of the molybdenum-99 test conducted on each elution from the generator. Such records shall include the date, time and test performed, who performed the test, a description by lot or other unique identifying number of the generator tested, activity of technetium-99m, either the total molybdenum-99 activity and total volume of elution/extraction or the concentration of molybdenum-99 in each elution/extraction of technetium-99m from the generator, and whether total molybdenum activity or concentrations were tested.
- E) Except for those radiopharmaceuticals listed in 330.260(c)(2)(i), for Groups I, II, and III any licensee using radioactive material for clinical procedures other than those specified in the product labeling, including package insert, shall comply with the product labeling regarding:
- i) Chemical and physical form;
  - ii) Route of administration; and
  - iii) Dosage range.
- F) Technetium-99m pentetate as an aerosol when used for lung function studies, is not subject to the restrictions in Section 330.260(c)(2)(E).
- G) Radioactive aerosols shall be administered with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol.
- 3) Any licensee who is licensed pursuant to Section 330.260(c)(1) for one or more of the medical use groups in Appendix C of this Part also is authorized to use radioactive material under the general license in Section 330.220(i) for the specified *in vitro* uses without filing Department Form KLM-006 as required by Section 330.220(i)(2); provided, that the licensee is subject to the other provisions of Section 330.220(i).
- 4) Any licensee who is licensed pursuant to Section 330.260(c)(1) for one or more of the medical use groups in Appendix C of this Part is also authorized, subject to the provisions of Section 330.260(c)(4) and (5), to receive, possess, and use for calibration and reference standards:

- A) Any radioactive material listed in Group I, Group II, or Group III of Appendix C of this Part with a half-life not longer than 100 days, in amounts not to exceed 15 millicuries (555 MBq) total;
- B) Any radioactive material listed in Group I, Group II, or Group III of Appendix C of this Part with half-life greater than 100 days in amounts not to exceed 200 microcuries (7.4 MBq) total;
- C) Technetium-99m in amounts not to exceed 30 millicuries (1.1 GBq), and
- D) Any radioactive material, in amounts not to exceed 3 millicuries (111 MBq) per source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Department pursuant to Section 330.280(1) a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR 32, or a specific license issued to the manufacturer by an Agreement State or a Licensing State pursuant to regulations equivalent to those contained in Section 32.74 of 10 CFR 32, revised as of January 1, 1985 exclusive of any subsequent amendments or editions. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.
- 5) Leak Testing of Sealed Calibration Reference Sources
- A) Any licensee or registrant who possesses sealed sources as calibration or reference sources pursuant to Section 330.260(c)(1) shall cause each sealed source containing radioactive material, other than hydrogen-3, with a half-life greater than 30 days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed 6 months. In the absence of a certificate from a transferor indicating that a test has been made within 6 months prior to the transfer, the sealed sources shall not be used until tested, provided, however, that no leak tests are required when:
- i) The source contains 100 microcuries (3.7 MBq) or less of beta - and/or gamma - emitting material or 10 microcuries (370 kBq) or less of alpha - emitting material; or

- ii) The sealed source is stored and is not being used; such sources shall, however, be tested for leakage prior to any use or transfer unless they have been leak tested within 6 months prior to the date of use or transfer.

B) The leak test shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sampler. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Department.

C) If the leak test reveals the presence of 0.005 microcurie (185 Bq) or more of removable contamination, the licensee or registrant shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with 32 Ill. Adm. Code 330 and 340 A report shall be filed within 5 days of the test with the Department describing the equipment involved, the test results, and the corrective action taken.

6) Any licensee or registrant who possesses and uses calibration and reference sources pursuant to Section 330.260(c)(4)(D) shall:

A) Follow the radiation safety and handling instructions approved by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

B) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the Department and shall include the quantities and kinds of radioactive material, location of sources, and the date of the inventory.

- c) Specific Licenses for Pharmacies Using Radioactive Material. In addition to the requirements set forth in Section 330.250, a specific license for a pharmacy shall meet the following additional requirements:

1) Radiopharmaceuticals dispensed and/or distributed for human use shall be either:

A) Repackaged from prepared radiopharmaceuticals that are the subject of a U.S. Food and Drug Administration (FDA) approved "New Drug Application" (NDA), or for which the FDA has accepted an "Investigational New Drug Application" (IND), or

B) Prepared from generators and reagent kits that are the subject of an FDA-approved NDA or for which the FDA has accepted an IND.

2) Prepared radiopharmaceuticals for which FDA has accepted an IND and radiopharmaceuticals prepared from generators or reagent kits for which the FDA has accepted an IND shall be dispensed and/or distributed:

A) In accordance with the directions provided by the sponsor of the IND, and

B) Only to physicians who have been accepted by the sponsor of the IND to participate in clinical evaluation of the drug.

3) The licensee shall inform in writing each physician who participates in an IND evaluation that the physician is responsible to the sponsor of the IND for use of the drug in accordance with protocols established by the sponsor and for reporting to the sponsor the clinical information obtained through use of the drug.

4) The licensee shall procure biological products labeled with radionuclides or kits used to prepare such products from a supplier who holds an unsuspended or unrevoked license issued by either the U.S. Department of Health, Education and Welfare or the U.S. Department of Health and Human Services to propagate, manufacture, prepare, label, or distribute the products.

5) The licensee shall perform radiometric tests for molybdenum breakthrough upon each elution of a molybdenum-99/technetium-99m generator in accordance with the requirements of 32 Ill. Adm. Code 335.4020.

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6) The licensee shall procure all radioactive drugs from a supplier who manufactures or repackages the product under appropriate pharmaceutical controls related to assay, identity, quality, purity, sterility and non-pyrogenicity.

7) The licensee shall dispense radioactive drugs only under the prescription of a specifically licensed physician who is authorized to possess and use the radioactive drugs or a physician authorized under the provisions of a broad radioactive material license. The licensee shall maintain a copy of the radioactive material license of each customer physician and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transferring the radiopharmaceutical.

8) The licensee may distribute *in vitro* test kits to customers but shall neither remove any package insert nor violate the packaging.

9) The licensee shall subject each batch of sulfur colloid to microscopic tests for particle size and chromatographic tests for free pertechnetate, and shall maintain records of such tests for inspection by the Department. Preparations which contain particles one micron or larger in diameter, have more than 10% free pertechnetate, or appear flocculent or aggregated shall not be dispensed to customers.

10) The licensee shall report to the Department, within ten days of occurrence, any irregularities pertaining to identification, labeling, quality, or assay of any radioactive drug received under the authority of this license.

d) Use of Sealed Sources in Industrial Radiography. In addition to the requirements set forth in Section 330.250, a specific license for use of sealed sources in industrial radiography will be issued if:

1) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the Department a schedule or description of such program which specifies the:

- A) Initial training;
- B) Periodic training;
- C) On-the-job training;

D) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with Department regulations and licensing requirements the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code 310, 320, 340, 341, 350 and 400 and the operating and emergency procedures of the applicant; and

E) Means to be used by the licensee to determine the radiographer's assistants' knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant.

2) The applicant has established and submits to the Department satisfactory written operating and emergency procedures described in 32 Ill. Adm. Code 350.2020;

3) The applicant will have an internal inspection system to assure that the requirements of 32 Ill. Adm. Code 310, 320, 340, 341, 350, 400 and this Part, license provisions, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants; the inspection system shall include the performance of internal inspections at intervals not to exceed 3 months and the retention of records of such inspections for 2 years. The inspection records shall contain the date, name of the person performing the inspection, inspection findings, and a description of any corrective action taken;

4) The applicant submits to the Department a description of the overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;

5) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in testing sealed sources for possible leakage and contamination and submits to the Department a description of such procedures, including:

- A) Instrumentation to be used;
- B) Method of performing tests; and
- C) Pertinent experience of the individual who will perform the test;

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- 6) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 330.270 Special Requirements for Specific Licenses of Broad Scope

This section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of such licenses.\*

\*AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- a) The different types of broad scope licenses are set forth below:

- 1) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.
- 2) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of radioactive material specified in Appendix D of this Part, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Appendix D, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Appendix D, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.
- 3) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of radioactive

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material specified in Appendix D of this Part, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Appendix D, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Appendix D, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

- b) An application for a Type A specific license of broad scope will be approved if:
  - 1) The applicant satisfies the general requirements specified in Section 330.250;
  - 2) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and
  - 3) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:
    - A) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;
    - B) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and
    - C) The establishment of appropriate administrative procedures to assure:
      - i) Control of procurement and use of radioactive material;
      - ii) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

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- iii) Review, approval, and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with Section 330.270 subsection (b)(3)(C)(ii) prior to use of the radioactive material.
- c) An application for a Type B specific license of broad scope will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250; and
  - 2) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:
    - A) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and
    - B) The establishment of appropriate administrative procedures to assure:
      - i) Control of procurement and use of radioactive material;
      - ii) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and
      - iii) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with Section 330.270 subsection (c)(2)(B)(ii) prior to use of the radioactive material.
- d) An application for a Type C specific license of broad scope will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250;

- 2) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

- A) A college degree at the bachelor level, or equivalent training and experience, in the physical, or biological sciences, or in engineering; and
  - B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate pertinent to the type and forms of radioactive material to be used; and
- 3) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, record keeping, material control and accounting, and management review necessary to assure safe operations.
- e) Specific licenses of broad scope are subject to the following conditions:
- 1) Unless specifically authorized, persons licensed pursuant to this Section 330.270 shall not:
    - A) Conduct tracer studies in the environment involving direct release of radioactive material;
    - B) Receive, acquire, own, possess, use, or transfer devices containing 100,330 100,000 curies (3.7 PBq) or more of radioactive material in sealed sources used for irradiation of materials;
    - C) Conduct activities for which a specific license issued by the Department under Sections 330.260 or 330.280 is required; or
    - D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

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- 2) Each Type A specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.
- 3) Each Type B specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.
- 4) Each Type C specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of 330-270 subsection (d).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices which Contain Radioactive Material

- a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations.

- 1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product as or material containing the byproduct radioactive material will be issued if:

- A) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

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- B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A of this Part, that re-concentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
- 2) Each person licensed under Section 330-280 subsection (a) is required to maintain records of transfer of material and shall file a report with the Department which shall identify the following:
  - A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
  - B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;
  - C) The type and quantity of radionuclide introduced into each product or material; and
  - D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.
- 3) The licensee shall file the report within 30 days following:
  - A) Five years after filing the preceding report; or
  - B) Filing an application for renewal of the license under Section 330.330; or
  - C) Notifying the Department under Section 330.310(d) of the licensee's decision to permanently discontinue activities authorized under the license issued under Section 330-280 subsection (a).

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- 4) The report must cover the period between the filing of the preceding report and the occurrence specified in subsection (A), (B), and (C) of this Section. If no transfers of radioactive material have been made under Section 330.280 subsection (a) during the reporting period, the report shall so indicate.
- 5) The licensee shall maintain the record of a transfer for a period of one year after the event has been included in a report to the Department.

## b) Licensing the Distribution of Radioactive Material in Exempt Quantities.\*

\*AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- 1) An application for a specific license to distribute NARM to persons exempted from this Part pursuant to Section 330.40(b) will be approved if:
- A) The radioactive material is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being;
- B) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and
- C) The applicant submits copies of prototype labels and brochures and the Department approves such labels and brochures.

- 2) The license issued under Section 330.280 subsection (b)(1) is subject to the following conditions:

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- A) No more than 10 exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.
- B) Each exempt quantity shall be separately and individually packaged. No more than 10 such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to Section 330.40(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem (5 uSv) per hour.
- C) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:
- i) identifies the radionuclide and the quantity of radioactivity, and
  - ii) bears the words "Radioactive Material".
- D) In addition to the labeling information required by Section 330.280 subsection (b)(2)(C), the label affixed to the immediate container, or an accompanying brochure, shall:
- i) state that the contents are exempt from Licensing State requirements,
  - ii) bear the words "Radioactive Material - Not for Human Use - Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals, or into Products Manufactured for Commercial Distribution is Prohibited - Exempt Quantities Should Not Be Combined", and
  - iii) set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage, and disposal of the radioactive material.
- 3) Each person licensed under Section 330.280 subsection (b) is required to maintain records and file reports as follows:

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A) Records of transfer of material identifying, by name and address, each person to whom radioactive material is transferred for use under Section 330.40(b) or the equivalent regulations of an Agreement State, or Licensing State and stating the kinds and quantities of radioactive material transferred. The licensee shall maintain the record of a transfer for a period of one year after the event is included in a summary report to the Department.

B) The licensee shall file a summary report stating the total quantity of each radioisotope transferred under the specific license with the Department.

C) The licensee shall file the summary report within 30 days following:

i) Five years after filing the preceding report; or

ii) Filing an application for renewal of the license under Section 330.330; or

iii) Notifying the Department under Section 330.310(a) of the licensee's decision to permanently discontinue activities authorized under the license issued under Section 330.280 subsection (b).

D) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs subsections (C)(i), (ii), or (iii) of this section. If no transfers of radioactive material have been made under Section 330.280 subsection (b) during the reporting period, the report must so indicate.

c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Section 330.40(c)(3) will be approved if the application satisfies requirements equivalent to those contained in Section 32.26 of 10 CFR 32, revised as of January 1, 1986 1989\*. The maximum quantity of radium-226 in each device shall not exceed 0.1 microcurie (3.7 kBq).

\*AGENCY NOTE: Licensing requirements contained in subsequent amendments or editions of 10 CFR 32 are not incorporated into this rule part. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.

d) Licensing the Manufacturer Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(d).b).

1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State will be approved if:

A) The applicant satisfies the general requirements of Section 330.250;

B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

i) The device can be safely operated by persons not having training in radiological protection;

ii) Under ordinary conditions of handling, storage, and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of 1 calendar quarter a dose in excess of 10 percent of the limits specified in the table in 32 Ill. Adm. Code 340.2010(a); and

iii) Under accident conditions such as fire and explosion associated with handling, storage, and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye .....15 rems (150 mSv)

Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter ..... 200 rems (2 Sv)

Other organs .....50 rems (500 mSv); and

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- C) eEach device bears a durable, legible, clearly visible label or labels approved by the Department, which contain in a clearly identified and separate statement:
- i) iInstructions and precautions necessary to assure safe installation, operation, and servicing of the device; documents such as operating and service manuals may be identified in the label and used to provide this information,
- ii) tThe requirement, or lack of requirement, for leak testing, or for testing any "on-off" mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and
- iii) tThe information called for in one of the following statements, as appropriate, in the same or substantially similar form:

Devices Containing Radioactive Material Other Than Naturally Occurring Radioactive Material

The receipt, possession, use, and transfer of this device, Model           , Serial No.           , are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

Name of Manufacturer or Distributor

\*AGENCY NOTE: The model, serial number, and name of the manufacturer, or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

Devices Containing Naturally-Occurring Radioactive Material

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The receipt, possession, use, and transfer of this device, Model           , Serial No.           , are subject to a general license or the equivalent, and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

Name of Manufacturer or Distributor

\*AGENCY NOTE: The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

2)

In the event the applicant desires that the device be required to be tested at intervals longer than 6 months, either for proper operation of the "on-off" mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the "on-off" mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Department will consider information which includes, but is not limited to:

- A) pPrimary containment or source capsule;
- B) pProtection of primary containment;
- C) mMethod of sealing containment;
- D) eContainment construction materials;
- E) fForm of contained radioactive material;
- F) mMaximum temperature withstood during prototype tests;
- G) mMaximum pressure withstood during prototype tests;
- H) mMaximum quantity of contained radioactive material;

- 1) ~~R~~adiotoxicity of contained radioactive material; and
- 2) ~~o~~perating experience with identical devices or similarly designed and constructed devices.
- 3) In the event the applicant desires that the general licensee under Section 330.220(db) or under equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the "on-off" mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of 10 percent of the limits specified in the table in 32 Ill. Adm. Code 340.2010(a).
- 4) Each person licensed under Section 330.280 subsection (d) to distribute devices to generally licensed persons shall:
- A) Furnish a copy of the general license contained in Section 330.220(db) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in Section 330.220(db);
- B) Furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, Agreement State's, or Licensing State's regulation equivalent to Section 330.220 (db), or alternatively, furnish a copy of the general license contained in Section 330.220(db) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the Agreement State, or the Licensing State. If a copy of the general license in Section 330.220(db) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, Agreement State, or Licensing State under requirements substantially the same as those in Section 330.220(db);

- C) Report to the Department all transfers of such devices to persons for use under the general license in Section 330.220(db). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under Section 330.220(db) during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter;
- D) Furnish reports to other agencies.
- i) Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR 31.
- ii) Report to the responsible State agency all transfers of devices manufactured and distributed pursuant to Section 330.280 subsection (d) for use under a general license in that State's regulations equivalent to Section 330.220(db).
- iii) Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within 30 days after the end of each calendar quarter in which such a vice device is transferred to the generally licensed person.

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- iv) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission.
- v) If no transfers have been made to general licensees within a particular State during the reporting period, this information shall be reported to the responsible State agency upon request of that agency; and
- E) Keep records showing the name, address, and the point of contact for each general licensee to whom he directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in Section 330.220(db), or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity in each device transferred, the identity of any intermediate person, and compliance with the report requirements of Section 330.280 subsection (d)(4). The records required by this paragraph shall be maintained for a period of five years from the date of the recorded event.

- e) Special Requirements for the Manufacture, Assembly, or Repair of Luminous Safety Devices for Use in Aircraft.

- 1) An application for a specific license to manufacture, assemble, or repair luminous safety devices containing tritium or Promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(ec) will be approved if:

- 1) A) The applicant satisfies the general requirements specified in Section 330.250; and
- 2) B) The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, 32.56, and 32.101 of 10 CFR 32, revised as of January 1, 1995 1989, exclusive of subsequent amendments or editions, or their equivalent. A copy of 10 CFR 32 is available for public inspection at the Department of Nuclear Safety.

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- 2) Each person licensed under this subsection shall file an annual report with the Department which shall state the total quantity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(c) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty (30) days thereafter.

- f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium, or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(gg). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium, or radium-226 to persons generally licensed under Section 330.220(gg) will be approved if:

- 1) The applicant satisfies the general requirements of Section 330.250; and
- 2) The applicant satisfies the requirements of 10 CFR 32.57, 10 CFR 70.39 and certifies that he will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58, 10 CFR 32.59 and 10 CFR 32.102, revised as of January 1, 1995 1989, exclusive of subsequent amendments or editions.

- g) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. In addition to requirements set forth in Section 330.260, a specific license authorizing the distribution of radioactive material for use by physicians under the general license in Section 330.220(h) will be issued if:

- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration, has approved, or in accordance with a license for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and
- 2) One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

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A) ~~this radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission, or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.~~

\_\_\_\_\_  
Name of Manufacturer

B) ~~This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.~~

\_\_\_\_\_  
Name of Manufacturer

kg) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.2204) (f), or equivalent regulations of an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission, will be approved if:

- 1) ~~The applicant satisfies the general requirements specified in Section 330.250.~~
- 2) ~~The radioactive material is to be prepared for distribution in prepackaged units of:~~
  - A) ~~eCarbon-14 in units not exceeding 10 microcuries (370 kBq) each.~~
  - B) ~~eCobalt-57 in units not exceeding 10 microcuries (370 kBq) each.~~
  - C) ~~HHydrogen-3 (tritium) in units not exceeding 50 microcuries (1.85 MBq) each.~~
  - D) ~~Iodine-125 in units not exceeding 10 microcuries (370 kBq) each.~~

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- E) ~~Mock Iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each.~~
- F) ~~Iodine-131 in units not exceeding 10 microcuries (370 kBq) each.~~
- G) ~~Iron-59 in units not exceeding 20 microcuries (740 kBq) each.~~
- H) ~~Selenium-75 in units not exceeding 10 microcuries (370 kBq) each.~~

3) ~~Each prepackaged unit bears a durable, clearly visible label:~~

A) ~~Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries (370 kBq) of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries (1.85 MBq) of hydrogen-3 (tritium); 20 microcuries (740 kBq) of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each; and~~

B) ~~Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.2030(a)(1) and the words, "CAUTION - RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".~~

4) ~~One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:~~

A) ~~This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.~~

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- B) This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the materials, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of a Licensing State.

Name of Manufacturer

Name of Manufacturer

- 5) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains information as to the precautions to be observed in handling and sterile storage such radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the manufacturer must state in the directions that this item must be disposed of in compliance with 32 Ill. Adm. Code 340.3010.

- h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(jg) will be approved if:

- 1) The applicant satisfies the general requirements of Section 330.250; and
- 2) The criteria of Section 32.61, 32.62, and 32.103 of 10 CFR 32, as in effect January 1, 1989, exclusive of subsequent amendments or editions, are met.

AGENCY NOTE: A copy of 10 CFR 32 is available for public inspection at the Department.

- ji) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Group Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(ea) for the uses listed in Appendix G, Group I, Group II, Group IV, or Group V of this Part 32 Ill. Adm. Code 335.3010, 335.4010, or 335.5010 will be approved if:

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- 1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;
- 2) The applicant submits evidence information showing that:
  - A) The radiopharmaceutical containing radioactive material will be manufactured, labeled, and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, such as a New Drug Application (NDA) approved by the Food and Drug Administration (FDA), or an "Notice of Claimed Investigational Exemption for a New Drug Application" (IND) that has been accepted by the FDA; or
  - B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
  - 3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by group specific licensees; and
  - 4) A) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity, and date of assay and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Department for distribution to persons licensed pursuant to Section 330.260(ea) and Appendix G, Group I, Group II, Group IV, and Group V of this Part for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010, or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State. The labels, leaflets, or brochures required by this subsection are in addition to the labeling required by the Food and Drug Administration (FDA) and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.
  - B) The labels, leaflets, or brochures required by Section 330.260(j) are in addition to the labeling required by the Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

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- kj) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material.\*

\*AGENCY NOTE: Although the Department does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have his such reagent kits approved by the Department for use by persons licensed pursuant to Section 330.260(ea) and Appendix G, Group III of this Part for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in Section 330.280(k) this subsection. An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(ea) for the uses listed in Appendix G, Group III of this Part specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 2) The applicant submits evidence that:
  - A) The generator or reagent kit is to be manufactured, labeled, and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, such as a New Drug Application (NDA) approved by the Food and Drug Administration (FDA), or an "Notice of Claimed Investigational Exemption for a New Drug Application" (IND) that has been accepted by the FDA, or
  - B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
- 4) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity, and date of assay; and

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- 5) The label affixed to the generator or reagent kit, or the leaflet, or brochure which accompanies the generator, or reagent kit, contains:

- A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit, and
- B) A statement that this generator or reagent kit, as appropriate, is approved for use by persons licensed by the Department pursuant to Section 330.260(ea) and Appendix G, Group III of this Part 32 Ill. Adm. Code 335.4010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State. The labels, leaflets, or brochures required by Section 330.280(k) this subsection are in addition to the labeling required by the Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260 (ea) for use as a calibration or reference source or for the uses listed in Appendix G, Group VI of this Part 32 Ill. Adm. Code 335.7010 will be approved if:

- 1) The applicant satisfies the general requirements in Section 330.250 of this Part;
- 2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
  - A) The radioactive material contained, its chemical and physical form, and amount;
  - B) Details of design and construction of the source or device;
  - C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

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- D) ~~f~~For devices containing radioactive material, the radiation profile of a prototype device;
- E) ~~d~~Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;
- F) ~~p~~Procedures and standards for calibrating sources and devices;
- G) ~~l~~Legend and methods for labeling sources and devices as to their radioactive content; and
- H) ~~i~~Instructions for handling and storing the source or device from the radiation safety standpoint; these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device; provided, that instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label;

- 3) ~~t~~The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity, and date of assay, and a statement that the source or device is licensed by the Department for distribution to persons licensed pursuant to Section 330.260(ea) and/or Appendix G, ~~Group VI of this Part 32 Ill. Adm. Code~~ 335.7010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, provided, that such labeling for sources which do not require long term storage may be on a leaflet or brochure which accompanies the source;

- 4) ~~i~~In the event the applicant desires that the source or device be required to be tested for leakage or radioactive material at intervals longer than 6 months, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source; and

- 5) ~~i~~In determining the acceptable interval for test of leakage of radioactive material, the Department will consider information that includes, but is not limited to:

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- A) ~~p~~Primary containment or source capsule;
- B) ~~p~~Protection of primary containment;
- C) ~~m~~Method of sealing containment;
- D) ~~e~~Containment construction materials;
- E) ~~f~~Form of contained radioactive material;
- F) ~~m~~Maximum temperature withstood during prototype tests;
- G) ~~m~~Maximum pressure withstood during prototype tests;
- H) ~~m~~Maximum quantity of contained radioactive material;
- I) ~~r~~Radioactivity of contained radioactive material; and
- J) ~~e~~Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

~~m~~1) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications. An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:

- 1) ~~t~~The applicant satisfies the general requirements specified in Section 330.250.
- 2) ~~t~~The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction of materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to assure that possession, use, or transfer of the depleted uranium in the product or device will not cause any individual to receive in any period of 1 calendar calendar quarter a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.1010(a).
- 3) ~~t~~The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefits to the public, i.e., a benefit which could not be achieved but for the use of depleted uranium.

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- 4) in the case of an industrial product or device whose unique benefits are questionable, the Department will approve an application for a specific license under Section 330.280(m) only if the applicant provides evidence to the Department that the methods for use or handling of the product or device will not result in uncontrolled disposal or dispersal of significant quantities of depleted uranium into the environment. The applicant's methods for use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.

- 54) The Department will deny any application for a specific license under Section 330.280(m) this subsection if the end use(s) of the industrial product or device cannot be reasonably foreseen.

- 65) Each person licensed pursuant to Section 330.280(m)(1) shall:

- A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;
- B) Label or mark each unit to:
  - 1) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and
  - 2) State that the receipt, possession, use, and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;
- C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";
- D) Furnish:

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- i) aA copy of the general license contained in Section 330.210(d) and a copy of the form, "Registration Certificate - Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license contained in Section 330.210(d); or
- ii) aA copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Section 330.210(d) and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(d) and a copy of the form, "Registration Certificate - Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Section 330.210(d);

- E) Report to the Department all transfers of industrial products or devices to persons for use under the general license in Section 330.210(d). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty (30) days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(d) during the reporting period, the report shall so indicate;

- F) File a report which identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the agency and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained

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in the product or device. The report shall be submitted within thirty (30) days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person. The licensee shall report:

- 1) §To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in Section 40.25 of 10 CFR 40;
- ii) §To the responsible State agency all transfers of devices manufactured and distributed pursuant to Section 330.280(m) subsection (1) for use under a general license in that State's regulations equivalent to Section 330.210(d);
- iii) §To the U.S. Nuclear Regulatory Commission if no transfers have been made by the licensees during the reporting period;
- iv) §To the responsible Agreement State Agency upon the request of that Agency if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and
- G) §Keep records showing the name, address, and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of this section.

mm) §Special Requirements for Licensing License to Manufacture, or Import, or Initially Distribute to be Distributed Distribute Sealed Sources or Devices Containing Sealed Sources to Persons having a Specific License.

- 1) §An application for license to manufacture, or import, or initially distribute sealed sources or devices containing radioactive materials sealed sources for initial transfer to persons having a specific license to receive such sealed sources or devices will be approved subject to the following conditions:

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- 1) §The applicant satisfies the general requirements specified in Section 330.250 of this Part;

- 2) §the applicant submits all information regarding each type of device pertinent to evaluation of the potential radiation exposure, including: The licensee subject to this subsection shall not transfer a sealed source or device containing a sealed source to any person except in accordance with the requirements of Section 330.400.

- 2) §Any manufacturer, importer, or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Department for evaluation of radiation safety information about its product and for filing an evaluation sheet in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices".

- A) §A request for evaluation of a sealed source or device containing a sealed source must be submitted in duplicate and shall include information required by subsections (m)(2)(B) or (C), as applicable, demonstrating that the radiation safety properties of such source or device will not endanger public health and safety or property.

- B) §A request for evaluation of a sealed source must include the following radiation safety information:

- i) §Proposed uses for the sealed source;

- A) §i) §Chemical and physical form and maximum quantity of radioactive material in the device sealed source;

- B) §iii) §Details of construction and design of the sealed source, of radiation and its shielding (including blueprints) and a description of materials used in construction;

- G) §iv) §Radiation profile of a prototype device sealed source;

- D) §v) §Procedures for and results of prototype testing of devices;

- E) §vi) §Details of quality control procedures to be followed in manufacture of the device;

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- F) vii) A description or facsimile of labeling to be affixed to the device sealed source;
- G) viii) instructions for handling and use of the device Leak testing procedures; and
- H) ix) a) Any additional information, including experimental studies and tests, required by the Department to facilitate a determination of the safety of the device sealed source, as required by Section 330.250.
- 3) the licensee under this paragraph shall not transfer a device to any person except in accordance with the requirements of Section 300.400.
- C) A request for evaluation of a device containing a sealed source must include the following radiation safety information:
- i) Proposed uses for the device;
  - ii) Manufacturer, model number, chemical and physical form and maximum quantity of radioactivity in the sealed source or sources to be used in the device;
  - iii) Details of construction and design of the device and its shielding, including blueprints and a description of materials used in construction;
  - iv) Radiation profile of a prototype device;
  - v) Procedures for and results of prototype testing;
  - vi) Details of quality control procedures to be followed in manufacture;
  - vii) A description or facsimile of labeling to be affixed to the device;
  - viii) Leak testing procedures;
  - ix) A description of potential hazards in installation, service, maintenance, handling, use and operation of the device;
  - x) Information about installation, service and maintenance procedures;

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- x) Handling, operating and safety instructions; and
- xii) Any additional information, including experimental studies and tests, required by the Department to facilitate a determination of the safety of the device as required by Section 330.250.
- D) When evaluating a sealed source or device, the Department will apply the radiation safety criteria described in subsection 32.210(d) of 10 CFR 32, revised as of 1/1/89. A copy of 10 CFR 32 is available for public inspection at the Department.
- E) The person submitting a request for evaluation of a product shall manufacture and distribute the product in accordance with:
- i) The statements and representations, including the quality control program, described in the request; and
  - ii) The provisions of the evaluation sheet as filed in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices".
- n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. In addition to requirements set forth in Section 330.250, a specific license authorizing the distribution of radioactive material for use by physicians under a general license for medical diagnostic uses in states that grant such:
- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration, has approved, or in accordance with a license for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and
  - 2) One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

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A) This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission, or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

\_\_\_\_\_  
Name of Manufacturer

B) This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.

\_\_\_\_\_  
Name of Manufacturer

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 330.310 Specific Terms and Conditions of License

- a) Each license issued pursuant to this Part shall be subject to all applicable provisions of the Radiation Protection Act (The Act) (Ill. Rev. Stat. 1986/1989, ch. 111½, par. 211 et seq.), now or hereafter in effect, and to all applicable rules, regulations, and orders of the Department.
- b) No license issued or granted under this Part and no right to possess or utilize radioactive material granted by any license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Department shall, after securing full information find that the transfer is in accordance with the provisions of the Act, and shall give its consent in writing.
- c) Each person licensed by the Department pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

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d) Each licensee shall notify the Department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license.

e) Notification of Bankruptcy.

- 1) Each licensee shall notify the Department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

A) The licensee;

B) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the licensee or licensee as property of the estate; or

C) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

2) This notification must indicate:

A) The bankruptcy court in which the petition for bankruptcy was filed; and

B) The date of the filing of the petition.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 330.320 Expiration and Termination of Licenses

- a) Except as provided in Section 330.330(b), each the authority to engage in licensed activities as specified in the specific license shall expire at the end of the specified day in the month and year stated therein. Any expiration date on a specific license applies only to the authority to engage in licensed activities. Expiration of a specific license shall not relieve the licensee of responsibility for decommissioning his facility and terminating the specific license.
- b) Each licensee shall notify the Department immediately, in writing, and request termination of the license when the licensee decides to terminate all activities involving radioactive materials authorized under the license. This notification and request for termination shall include the documents required by Section 330.320 subsection (d) and shall otherwise substantiate that the licensee has met all of the requirements in Section 330.320 subsection (d).

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- c) No less than 30 days before the expiration date specified in the license, the licensee shall either:
- 1) submit an application for license renewal under Section 330.330; or
  - 2) notify the Department, in writing, if the licensee decides not to renew the license. The licensee requesting termination of a license shall comply with the requirements of Section 330.320 subsection (d).
- d) Termination of Licenses.
- 1) If a licensee does not submit an application for license renewal under Section 330.330, the licensee shall, on or before the expiration date specified in the license:
    - A) terminate use of radioactive material;
    - B) remove radioactive contamination to the level outlined in 32 Ill. Adm. Code 340, Appendix C, to the extent practicable;
    - C) properly dispose of radioactive material;
    - D) submit a completed Department Form KLM.007; and
    - E) submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual radioactive contamination in some other manner. The licensee shall, as applicable:
      - i) report levels of radiation in units of microrads per hour of beta and gamma radiation at 1 centimeter and gamma radiation at 1 meter from surfaces and report levels of radioactivity in units of transformations per minute (or microcuries) per 100 square centimeters removable and fixed on surfaces; microcuries per milliliter in water, and picocuries per gram in contaminated solids such as soils or concrete; and
      - ii) specify the instrumentation used and certify that each instrument was properly calibrated and tested.

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- 2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. The Department will notify the licensee, in writing, of the termination of the license.
  - 3) If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found:
    - A) the licensee continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the Department notifies the licensee in writing that the license is terminated. During this time the licensee is subject to the provisions of Section 330.320 subsection (e).
    - B) in addition to the information submitted under Section 330.320 subsections (d)(1)(D) and (E), the licensee shall submit a plan for decontamination, if required, as regards residual radioactive contamination remaining at the time the license expires.
  - e) Each licensee who possesses residual radioactive material under Section 330.320 subsection (d)(3), following the expiration date specified in the license, shall:
    - 1) limit actions involving radioactive material to those related to decontamination and other activities related to preparation for release for unrestricted use; and
    - 2) continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Department notifies the licensee in writing that the license is terminated.
- (Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)
- Section 330.340 Amendment of Licenses at Request of Licensee
- Applications for amendment of a license shall be filed in accordance with Section 330.240 and shall specify the purpose for which the licensee desires the license to be amended and the grounds for such amendment. The Department shall not issue amendments to licenses that were issued before June 1, 1987, for naturally occurring or accelerator produced radioactive material to authorize use, possession, or receipt of source, byproduct, or special nuclear material.
- (Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

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## Section 330.400 Transfer of Material

- a) No licensee shall transfer radioactive material except as authorized pursuant to this Section.
- b) Except as otherwise provided in his license and subject to the provisions of Section 330.400 subsections (c) and (d), any licensee may transfer radioactive material:

- 1) to the Department;\*

\*AGENCY NOTE: A licensee may transfer material to the Department only after receiving prior approval from the Department.

- 2) to the U.S. Department of Energy;
- 3) to any person exempt from the regulations in this Part to the extent permitted under such exemption;
- 4) to any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or any Licensing State, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the Department, an Agreement State, or a Licensing State; or
- 5) as otherwise authorized by the Department in writing.

- c) Before transferring radioactive material to a specific licensee of the Department, or to a general licensee who is required to register with the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

- d) Any of the following methods for the verification required by Section 330.400 subsection (c) is acceptable:

- 1) The transferor may possess and read a current copy of the transferee's specific license or registration certificate authorizing the transferee to receive the type, form and quantity of radioactive material to be transferred;

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- 2) The transferor may possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;
- 3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date; provided, that the oral certification is confirmed in writing within 10 days;
- 4) The transferor may obtain other information compiled by a reporting service from official records of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State regarding the identity of licensees and the scope and expiration dates of licenses and registration; or
- 5) When none of the methods of verification described in Section 330.400 subsections (d)(1) through (4) are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State that the transferee is licensed to receive the radioactive material.
- e) Shipment and transport of radioactive material shall be in accordance with the provisions of 32 Ill. Adm. Code 341.  
(Source: Amended at Ill. Reg. , effective            )

## Section 330.900 Reciprocal Recognition of Licenses

- a) Licenses of Byproduct, Source, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

- 1) Subject to this Part, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State for a period not in excess of 180 days in any calendar year provided that:

- A) A current copy of the licensing document is on file with the Department and does not limit the activity activities authorized by such document are not limited to specified installations or locations;
- B) ~~The out-of-state licensee notifies the Department in writing at least 3 days by telephone, teletype, or letter prior to engaging in such activity activities. Such notification shall indicate the location, period, and type of proposed possession and use within the State. If initial notification was by telephone, the out-of-state licensee shall submit to the Department within ten (10) days following such telephone notification a telegram or letter which contains the above information. x and shall be accompanied by a copy of the pertinent licensing document. In cases of emergency, the licensee may, upon application to the Department, obtain permission to proceed sooner. Upon receipt from the out-of-state licensee of a written request by the out-of-state licensee which contains a schedule of activities to be conducted within Illinois, the Department will waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in Section 330.900 subsection (a)(1);~~
- C) ~~The out-of-state licensee complies with all applicable regulations of the Department 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the Department 32 Ill. Adm. Code: Chapter II;~~
- D) ~~The out-of-state licensee supplies such other information as the Department may request; and~~
- E) ~~The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in Section 330.900 subsection (a)(1) except by transfer to a person:~~
- i) ~~Specifically licensed by the Department or by the U.S. Nuclear Regulatory Commission to receive such material, or~~
  - ii) ~~Exempt from the requirements for a license for such material under Section 330.40(a).~~

- 2) ~~Notwithstanding the provisions of Section 330.900 subsection (a)(1), any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in Section 330.220(db)(1) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such a device in this State provided that:~~
- A) ~~Such person shall file a report with the Department within thirty (30) days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;~~
  - B) ~~The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;~~
  - C) ~~Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and~~
  - D) ~~The holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in Section 330.220(db) or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.~~
  - 3) ~~The Department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by a Licensing State, or any product distributed pursuant to such licensing document, if the Department determines that had the individual been licensed in Illinois by the Department, the license would have been subject to action under Section 330.500 or 32 Ill. Adm. Code 310.90.~~
- b) Licenses of Naturally Occurring and Accelerator-Produced Radioactive Material.

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1) sSubject to this Part, any person who holds a specific license from a Licensing State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State for a period not in excess of 180 days in any calendar year, provided that:

- A) A current copy of the licensing document is on file with the Department and does not limit the activity activities authorized by such document are not limited to specified installations or locations;
- B) sThe out-of-state licensee notifies the Department in writing at least 3 days by telephone, telegraph, or letter prior to engaging in such activity activities. Such notification shall indicate the location, period, and type of proposed possession and use within the State. If initial notification was by telephone, the out-of-state licensee shall submit to the Department within ten (10) days following such telephone notification a telegram or letter which contains the above information. s and shall be accompanied by a copy of the pertinent licensing document, in cases of emergency, the licensee may, upon application to the Department, obtain permission to proceed sooner. Upon receipt from the out-of-state licensee of a written request by the out-of-state licensee which contains a schedule of activities to be conducted within Illinois, the Department will waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in Section 330.900 subsection (a)(1);
- C) sThe out-of-state licensee complies with all applicable regulations of the Department 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the Department 32 Ill. Adm. Code: Chapter II;
- D) sThe out-of-state licensee supplies any other information necessary to show compliance with the Department's rules 32 Ill. Adm. Code: Chapter II; and

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E) sThe out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in Section 330.900 subsection (b)(1) except by transfer to a person:

- i) sSpecifically licensed by the Department or by another Licensing State to receive such material, or
  - ii) exempt from the requirements for a license for such material under Section 330.40.
- 2) sNotwithstanding the provisions of Section 330.900 subsection (b)(1), any person who holds a specific license issued by a Licensing State authorizing the holder to manufacture, transfer, install, or service a device described in Section 330.220(db)(1) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such a device in this State provided that:

- A) sSuch person shall file a report with the Department within thirty (30) days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;
- B) sThe device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by a Licensing State;
- C) sSuch person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and
- D) sThe holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such a copy of the general license contained in Section 330.220(db) or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.

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- 3) The Department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by a Licensing State, or any product distributed pursuant to such licensing document, if the Department determines that had the out-of-state licensee been licensed by Illinois, the licensee's license would have been subject to action under Section 330.500 or 32 Ill. Adm. Code 310.90.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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## SECTION 330. APPENDIX B EXEMPT QUANTITIES

Radioactive Material	Micro-curies
Antimony-122 (Sb 122)	100
Antimony-124 (Sb 124)	10
Antimony-125 (Sb 125)	10
Arsenic-73 (As 73)	100
Arsenic-74 (As 74)	10
Arsenic-76 (As 76)	10
Arsenic-77 (As 77)	100
Barium-131 (Ba 131)	10
Barium-133 (Ba 133)	10
Barium-140 (Ba 140)	10
Bismuth-210 (Bi 210)	1
Bromine-82 (Br 82)	10
Cadmium-109 (Cd 109)	10
Cadmium-115m (Cd 115m)	10
Cadmium-115 (Cd 115)	100
Calcium-45 (Ca 45)	10
Calcium-47 (Ca 47)	10
Carbon-14 (C 14)	100
Cerium-141 (Ce 141)	100
Cerium-143 (Ce 143)	100
Cerium-144 (Ce 144)	10
Cesium-129 (Cs 129)	1
Cesium-131 (Cs 131)	100
Cesium-134m (Cs 134m)	1,330 1,000
Cesium-134 (Cs 134)	100
Cesium-135 (Cs 135)	1
Cesium-136 (Cs 136)	10
Cesium-137 (Cs 137)	10
Chlorine-36 (Cl 36)	10
Chlorine-38 (Cl 38)	10
Chromium-51 (Cr 51)	10
Cobalt-57 (Co 57)	1,330 1,000
Cobalt-58m (Co 58m)	100
Cobalt-58 (Co 58)	10
Cobalt-60 (Co 60)	10
Copper-64 (Cu 64)	1
Dysprosium-165 (Dy 165)	100
Dysprosium-166 (Dy 166)	10
Erbium-169 (Er 169)	100
Erbium-171 (Er 171)	100
Europium-152 (Eu 152) 9.2h	100

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Radioactive Material	Micro-curies
Europium-152	1
Europium-154	1
Europium-155	10
Fluorine-18	1,330 1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-67	100
Gallium-72	10
Germanium-68	10
Germanium-71	100
Gold-195	10
Gold-198	100
Gold-199	10
Hafnium-181	100
Holmium-166	100
Hydrogen-3	1,330 1,000
Indium-111	100
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-123	1
Iodine-125	1
Iodine-126	1
Iodine-129	1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	100
Iridium-194	10
Iron-52	10
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10

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Radioactive Material	Micro-curies
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Polonium-210	0.1
Potassium-42	10
Potassium-43	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-81	10
Rubidium-86	10
Rubidium-87	10
Rubidium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100

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Radioactive Material	Micro-curies
Scandium-46	10
Scandium-47	100
Scandium-48	10
Selenium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-22	10
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.1
Strontium-91	10
Strontium-92	10
Sulfur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Tellurium-132	10
Tellurium-160	100
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thallium-170	10
Thallium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Vanadium-48	10
Xenon-131m	1,330 1,000
Xenon-133	100

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Radioactive Material	Micro-curies
Xenon-135	100
Ytterbium-175	100
Yttrium-87	10
Yttrium-88	10
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,330 1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10

Any radioactive material not listed above other than alpha emitting radioactive material

0.1

## NOTE 1:

For purposes of Section 330.250(f)(5)(B) where there is involved a combination of isotopes, the limit for the combination should be derived as follows:

Determine the amount of each isotope possessed and 1,330 times the amount in Appendix B for each of these isotopes when not in combination. The sum of the ratios of these quantities may not exceed 1.

## EXAMPLE:

Amt. of isotope A possessed 1330 x Appendix B quantity for isotope A	+	Amt. of isotope B possessed 1330 x Appendix B quantity for isotope B	=	is lesser than or equal to
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## NOTE 2 1:

To convert microcuries (uCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

EXAMPLE: Zirconium-97 (10 uCi multiplied by 37 is equivalent to 370 kBq).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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SECTION 330. APPENDIX C GROUPS OF MEDICAL USES OF RADIOACTIVE MATERIALS  
(Repealed)

Group I. Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion (does not include uses involving imaging and tumor localizations).

- a) Chromium-51 as sodium chromate or labeled human serum albumin.
  - b) Cobalt-57 as labeled cyanocobalamin.
  - c) Cobalt-58 as labeled cyanocobalamin.
  - d) Cobalt-60 as labeled cyanocobalamin.
  - e) Iodine-123 as sodium iodide.
  - f) Iodine-125 as sodium iodide, iodinated human serum albumin, oleic acid, or sodium iothalamate.
  - g) Iodine-131 as sodium iodide, iodinated human serum albumin, labeled rose bengal, triolein, or sodium iodohippurate.
  - h) Iron-59 as citrate.
  - i) Potassium-42 as chloride.
  - j) Sodium-24 as chloride.
  - k) Technetium-99m as pertechnetate.
  - l) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake dilution, or excretion for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or a "New Drug Application" (NDA) has been approved by the Food and Drug Administration (FDA).
- Group II. Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localizations.
- a) Chromium 51 as human serum albumin.
  - b) Fluorine-18 in solution.

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- e) Gallium-67 as citrate.
  - d) Gold-198 in colloidal form.
  - e) Iridium-111 as diethylenetriaminopentacetic acid (DTPA).
  - f) Iridium-113m as chloride.
  - g) Iodine-123 as sodium iodide.
  - h) Iodine-125 as sodium iodide or fibrinogen.
  - i) Iodine-131 as sodium iodide, iodinated human serum albumin, macroaggregated iodinated human serum albumin, colloidal (microaggregated) iodinated human serum albumin, rose bengal, or sodium iodohippurate.
  - j) Mercury-197 as chloromerodrin.
  - k) Mercury-203 as chloromerodrin.
  - l) Selenium-75 as selenomethionine.
  - m) Strontium-85 as nitrate.
  - n) Strontium-87m as chloride.
  - o) Technetium-99m as pertechnetate, sulfur colloid, or macroaggregated human serum albumin.
  - p) Thallium-201 as chloride.
  - q) Ytterbium-169 as pentatate sodium.
  - r) Any radioactive material in a radiopharmaceutical prepared from a reagent kit listed in (c) of Group III.
  - s) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving imaging except those in gaseous forms for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or a "New Drug Application" (NDA) has been approved by the Food and Drug Administration (FDA).
- Group III. Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing radioactive material for certain diagnostic uses.

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- a) Molybdenum-99/technetium-99m generators for the elution of technetium-99m as pertechnetate.
- b) Technetium-99m as pertechnetate for use with reagent kits for preparation and use of radiopharmaceuticals containing technetium-99m as provided in (c) and (f) of this group.
- c) Reagent kits for preparation of technetium-99m labeled:
- 1) sulfur colloid;
  - 2) pentatate sodium;
  - 3) human serum albumin microspheres;
  - 4) polyphosphates;
  - 5) macroaggregated human serum albumin;
  - 6) etidronate sodium;
  - 7) stannous pyrophosphate;
  - 8) human serum albumin;
  - 9) medronate sodium;
  - 10) gluceptate sodium;
  - 11) oxidronate sodium;
  - 12) disofenin;
  - 13) succimer; and
  - 14) albumin colloid.
- d) Tin-113/indium-113m generators for the elution of indium-113m as chloride.
- e) Yttrium-87/strontium-87m generators for the elution of strontium-87m.
- f) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for which generator or reagent kit a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

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Group IV. Use of prepared radiopharmaceuticals for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety.

- a) Iodine-131 as iodide for treatment of hyperthyroidism and cardiac dysfunction.
- b) Phosphorus-32 as soluble phosphate for treatment of polycythemia vera, leukemia, and bone metastases.
- c) Phosphorus-32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions.
- d) Any radioactive material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or a "New Drug Application" (NDA) has been approved by the Food and Drug Administration (FDA).

Group V. Use of prepared radiopharmaceuticals for certain therapeutic uses that normally require hospitalization for purposes of radiation safety.

- a) Gold-198 as colloid for intracavitary treatment of malignant effusions.
- b) Iodine-131 as iodide for treatment of thyroid carcinoma.
- c) Any radioactive material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or a "New Drug Application" (NDA) has been approved by the Food and Drug Administration (FDA).

Group VI. Use of sources and devices containing radioactive material for certain medical uses.

- a) Americium-241 as a sealed source in a device for bone mineral analysis.
- b) Cesium-137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer.
- c) Cobalt-60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer.

- d) Gold-198 as seeds for interstitial treatment of cancer.
- e) Iodine-125 as a sealed source in a device for bone mineral analysis.
- f) Iodine-125 as a sealed source in a portable device for bone imaging and foreign body detection.
- g) Iodine-125 as seeds for interstitial treatment of cancer.
- h) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer.
- i) Radon-222 as seeds for topical, interstitial, and intracavitary treatment of cancer.
- j) Radium-226 as a sealed source for topical, interstitial, and intracavitary treatment of cancer.
- k) Strontium-90 sealed in an applicator for treatment of superficial eye conditions.

(Source: Repealed at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_)

SECTION 330. APPENDIX D LIMITS FOR BROAD LICENSES (SECTION 330.270)

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Antimony-122	1	0.01
Antimony-124	1	0.01
Antimony-125	1	0.01
Arsenic-73	10	0.1
Arsenic-74	1	0.01
Arsenic-76	1	0.01
Arsenic-77	10	0.1
Barium-131	10	0.1
Barium-140	1	0.01
Beryllium-7	10	0.1
Bismuth-210	0.1	0.001
Bromine-82	10	0.1
Cadmium-109	1	0.01
Cadmium-115m	1	0.01
Cadmium-115	10	0.1
Calcium-45	1	0.01
Calcium-47	10	0.1
Carbon-14	100	1.
Cerium-141	10	0.1
Cerium-143	10	0.1
Cerium-144	0.1	0.001
Cesium-131	100	1.
Cesium-134m	100	1.
Cesium-134	0.1	0.001
Cesium-135	1	0.01
Cesium-136	10	0.1
Cesium-137	0.1	0.001
Chlorine-36	1	0.01
Chlorine-38	100	1.
Chromium-51	100	1.
Cobalt-57	10	0.1
Cobalt-58m	100	1.
Cobalt-58	1	0.01
Cobalt-60	0.1	0.001
Copper-64	10	0.1
Dysprosium-165	100	1.
Dysprosium-166	10	0.1
Erbium-169	10	0.1
Erbium-171	10	0.1
Europium-152 (9.2 h)	10	0.1

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RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Europium-152 (13 y)	0.1	0.001
Europium-154	0.1	0.001
Europium-155	1	0.01
Fluorine-18	100	1.
Gadolinium-153	1	0.01
Gadolinium-159	10	0.1
Gallium-72	100	1.
Germanium-71	10	0.1
Gold-198	10	0.1
Gold-199	10	0.1
Hafnium-181	1	0.01
Holmium-166	10	0.1
Hydrogen-3	100	1.
Indium-113m	100	1.
Indium-114m	1	0.01
Indium-115m	100	1.
Indium-115	1	0.01
Iodine-125	0.1	0.001
Iodine-126	0.1	0.001
Iodine-129	0.1	0.001
Iodine-131	0.1	0.1
Iodine-132	1	0.01
Iodine-133	10	0.1
Iodine-134	1	0.01
Iodine-135	1	0.01
Iridium-192	1	0.01
Iridium-194	10	0.1
Iron-55	10	0.1
Iron-59	1	0.01
Krypton-85	100	1.
Krypton-87	10	0.1
Lanthanum-140	1	0.01
Lutetium-177	10	0.1
Manganese-52	1	0.01
Manganese-54	1	0.01
Manganese-56	10	0.1
Mercury-197m	10	0.1
Mercury-197	10	0.1
Mercury-203	1	0.01
Molybdenum-99	10	0.1
Neodymium-147	10	0.1
Neodymium-149	10	0.1

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RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Nickel-59	10	0.1
Nickel-63	1	0.01
Nickel-65	10	0.1
Niobium-93m	1	0.01
Niobium-95	1	0.01
Niobium-97	100	1.
Osmium-185	1	0.01
Osmium-191m	100	1.
Osmium-191	10	0.1
Osmium-193	10	0.1
Palladium-103	10	0.1
Palladium-109	10	0.1
Phosphorus-32	1	0.01
Platinum-191	10	0.1
Platinum-193m	100	1.
Platinum-193	10	0.1
Platinum-197m	100	1.
Platinum-197	10	0.1
Polonium-210	0.01	0.3301 0001
Potassium-42	1	0.01
Praseodymium-142	10	0.1
Praseodymium-143	10	0.1
Promethium-147	1	0.01
Promethium-149	10	0.1
Radium-226	0.01	0.3301 0001
Rhenium-186	10	0.1
Rhenium-188	10	0.1
Rhodium-103m	10	10.
Rhodium-105	10	0.1
Rubidium-86	1	0.01
Rubidium-87	1	0.01
Ruthenium-97	100	1.
Ruthenium-103	1	0.01
Ruthenium-105	10	0.1
Ruthenium-106	0.1	0.001
Samarium-151	1	0.01
Samarium-153	10	0.1
Scandium-46	1	0.01
Scandium-47	10	0.1
Scandium-48	1	0.01
Selenium-75	1	0.01
Silicon-31	10	0.1

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RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Silver-105	1	0.01
Silver-110m	0.1	0.001
Silver-111	10	0.1
Sodium-22	0.1	0.001
Sodium-24	1	0.01
Strontium-85m	1,330 000	10.
Strontium-85	1	0.01
Strontium-89	1	0.01
Strontium-90	0.01	0.3304 0001
Strontium-91	10	0.1
Strontium-92	10	0.1
Sulfur-35	10	0.1
Tantalum-182	1	0.01
Technetium-96	10	0.1
Technetium-97m	10	0.1
Technetium-97	10	0.1
Technetium-99m	100	1.
Technetium-99	1	0.01
Tellurium-125m	1	0.01
Tellurium-127m	1	0.01
Tellurium-127	10	0.1
Tellurium-129m	1	0.01
Tellurium-129	100	1.
Tellurium-131m	10	0.1
Tellurium-132	1	0.01
Terbium-160	1	0.01
Thallium-200	10	0.1
Thallium-201	10	0.1
Thallium-202	10	0.1
Thallium-204	1	0.01
Thulium-170	1	0.01
Thulium-171	1	0.01
Tin-113	1	0.01
Tin-125	1	0.01
Tungsten-181	1	0.01
Tungsten-185	1	0.01
Tungsten-187	10	0.1
Vanadium-48	1	0.01
Xenon-131m	1,330 000	10.
Xenon-133	100	1.
Xenon-135	100	1.
Ytterbium-175	10	0.1

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RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Yttrium-90	1	0.01
Yttrium-91	1	0.01
Yttrium-92	10	0.1
Yttrium-93	1	0.01
Zinc-65	1	0.01
Zinc-69m	10	0.1
Zinc-69	100	1.
Zirconium-93	1	0.01
Zirconium-95	1	0.01
Zirconium-97	1	0.01
Any radioactive material other than source material, special nuclear material, or alpha emitting radioactive material not listed above.	0.1	0.001

NOTE 1: To convert curies (Ci) to SI units of gigabecquerels (GBq), multiply the above values by 37.

EXAMPLE: Zirconium-97 (Col. II) (0.01 Ci multiplied by 37 is equivalent to 0.37 GBq)

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

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Section 330. APPENDIX G FINANCIAL SURETY ARRANGEMENTS (SECTION 330.250 (c)(1)(D))

a) Surety Bond - An applicant or licensee may satisfy the requirements of Section 330.250(c)(1) by obtaining and filing a surety bond which conforms to the following requirements:

1) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties or reinsurers on Federal bonds in Circular 570 of the U.S. Department of Treasury, entitled "Surety Companies Acceptable On Federal Bonds", 52 Fed. Reg. 24601, revised as of July 1, 1987. A copy of this document is available for inspection at the Department of Nuclear Safety;

2) The wording of the surety bond must contain the provisions specified in subsection (1) of Appendix H of this Part.

Additional conditions may be agreed to between the applicant or licensee and the surety company so long as no requirement of this Part nor required provision is avoided or altered;

3) The surety bond guarantees that:

A) Funds will be available to perform reclaiming in accordance with 32 Ill. Adm. Code 340, Appendix C to assure health and safety from radiation hazards and other requirements of the license for the facility whenever required by the Department;

B) Surety will waive notification of amendments to licenses, applicable laws, statutes, rules and regulations and will agree that no such amendment shall in any way alleviate its obligation on the bond; and

C) The licensee will provide alternate financial surety as specified in Section 330.250(c)(1) and obtain the Division Chief's written approval of the assurance provided within ninety (90) days of receipt by both the licensee and the Division Chief of a notice of cancellation of the bond from the surety;

4) Under the terms of the bond the surety will become liable on the bond obligation when the licensee fails to perform as guaranteed by the bond. Following a determination by the Division Chief that the licensee has failed to so perform, under the terms of the bond the surety will perform reclaiming to the satisfaction of the State as guaranteed by the bond or will forfeit the amount of the penal sum, as provided in Section 330.250(c)(1)(C);

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5) The penal sum of the bond must be in an amount at least adequate to provide the necessary financial surety;

6) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail return receipt requested to the licensee and to the Division Chief. Cancellation may not occur, however, during the 180 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Division Chief, as evidenced by the return receipts;

7) The surety will not be liable for the deficiency in the performance of reclaiming after the Division Chief has determined satisfactory reclaiming has occurred;

8) Licensee may terminate the bond by sending written notice to the surety, provided, however, that no such notice shall become effective until the surety receives written authorization from the Division Chief for the termination of the bond.

b) Personal Bond Supported by a Letter of Credit. An applicant or licensee may satisfy the requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of an irrevocable standby letter of credit. He must guarantee funds to perform reclaiming in accordance with 32 Ill. Adm. Code 340, Appendix C for protection of health and safety and other requirements of the license for the facility. The irrevocable standby letter of credit supporting this guarantee must conform to the following requirements:

1) The institution issuing the letter of credit must be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or Illinois agency;

2) The wording of the letter of credit must contain the provisions specified in subsection (2) of Appendix H of this Part. Additional conditions may be agreed to between the applicant or licensee and the issuing institution so long as no requirement of this Part nor required provision is avoided or altered;

3) The letter of credit must be accompanied by a letter from the licensee referring to the letter of credit by number, issuing institution and date and providing the following information: the radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds for each license assurance for reclaiming of the facility(ies) by the letter of credit;

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4) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Division Chief by certified mail of a decision not to extend the expiration date. Under the terms of a letter of credit, the 180 days will begin on the date when both the licensee and the Division Chief have received the notice, as evidenced by the return receipts;

5) The letter of credit must be issued in an amount at least adequate to provide the necessary financial surety; and

6) The Director may draw on the letter of credit upon forfeiture as provided in Section 330.250(c)(1)(C). The Director will also draw on the letter of credit if the licensee does not establish alternate financial surety as specified in this Part and obtain written approval of such alternate assurance from the Division Chief within ninety (90) days after receipt by both the licensee and the Division Chief of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date. The Division Chief may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last thirty (30) days of any such extension, the Director will draw on the letter of credit if the licensee has failed to provide alternate financial surety as specified in this subsection and obtain written approval of such surety from the Division Chief.

c) Personal Bond Supported by Insurance. An applicant or licensee may satisfy the requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of an insurance policy. He must guarantee funds sufficient to perform reclaiming in accordance with 32 Ill. Adm. Code 340, Appendix C for protection of health and safety and other requirements of the licensee for the facility. The insurance policy supporting this guarantee must conform to the following requirements:

1) The insurer must be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer;

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2) The insurance policy must be accompanied by a certificate of insurance whose wording must contain the provisions specified in subsection (3) of Appendix H of this Part. Additional conditions may be agreed to between the applicant or licensee and the insurer so long as no requirement of this Part nor required provision is avoided or altered;

3) The insurance policy must be for a face amount at least adequate to provide the necessary financial surety. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments;

4) The insurance policy must guarantee that funds will be available for reclaiming the facility whenever reclaiming is necessary as determined by the Division Chief;

5) Upon forfeiture of financial surety as provided in Section 330.250(c)(1)(C), the Director will direct the insurer to pay the full face amount to the State as specified in Section 330.250(c)(1)(C);

6) The licensee must maintain the policy in full force and effect until license termination or substitution of alternate financial surety as specified in Section 330.250(c)(1). Failure to pay the premium without substitution of alternate financial surety as specified in Section 330.250(c)(1) will constitute a violation of this Part. Such violation will be deemed to begin upon receipt of the Division Chief of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration;

7) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the licensee and the Division Chief. Cancellation, termination or failure to renew may not occur, however, during the 180 days beginning with the date of receipt of the notice by both the Division Chief and the licensee, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration;

- A) The Division Chief deems the facility abandoned;
- B) The license is terminated or revoked or renewal is denied;
- C) Closure is ordered by the Director or a court of competent jurisdiction;
- D) The licensee is named as debtor in a voluntary or involuntary proceeding under title 11, U.S. Code (Bankruptcy); or
- E) The premium due is paid.
- B) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities; and
- 9) Any provision of the policy inconsistent with any or all regulations in this Part will be deemed to be amended to eliminate such inconsistency.
- d) Personal Bond Supported by Securities. An applicant or licensee may satisfy the requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of securities. He must guarantee sufficient funds to perform reclaiming in accordance with 32 Ill. Adm. Code 340, Appendix C for protection of health and safety and other requirements of the license(s) for the facility(ies). The securities supporting this guarantee must be fully registered as to principal and interest in such manner as to identify the State and the Department as holder of such collateral and also identifying that person filing such collateral. The securities shall be accompanied by a certificate whose wording contains the provisions specified in subsection (4) of Appendix H, identifying the State and the Department as holder of such collateral and to also identify that person filing such collateral. These securities must have a current market value at least adequate to provide the necessary financial surety and must be included among the following types:
- 1) Negotiable United States Treasury securities assigned irrevocably to the State; or

- 2) Negotiable general obligation municipal or corporate bonds which have at least an "A" rating by Moody's and/or Standard and Poor's rating services and which are assigned irrevocably to the State.

- e) Personal Bond Supported by Certificate of Deposit. An applicant or licensee may satisfy the requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by a Certificate of Deposit in an amount at least adequate to provide necessary financial surety. The irrevocable certificate of deposit supporting this guarantee must conform to the following requirements:

- 1) The institution issuing the certificate of deposit must be an entity which has the authority to issue certificates of deposit and whose certificate of deposit operations are regulated and examined by a Federal or State agency;

- 2) The certificate of deposit must be accompanied by a letter from the licensee referring to the certificate of deposit by number, issuing institution and date and providing the following information:

- A) The radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds assured for reclaiming of the facility(ies) by the certificate of deposit. Such certificate of deposit must also include a statement signed by an officer of the issuing financial institution which waives all rights of lien which the institution has or might have against the certificate;

- B) This letter must contain the applicable provisions specified in subsection (5) of Appendix H of this Part. Additional provisions may be agreed to between the applicant or licensee and the issuing institution so long as no requirement of this Part or required provision is avoided or altered;

- 3) The certificate of deposit must be assigned irrevocably to the State and issued for a period of at least one year. The certificate of deposit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Division Chief by certified mail of a decision not to extend the expiration date. Under the terms of the certificate of deposit, the 180 days will begin on the date when both the licensee and the Division Chief have received the notice, as evidenced by the return receipts; and

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- 4) The Director may draw on the certificate of deposit upon forfeiture as provided in Section 330.250(C)(1)(C). The Director will also draw on the certificate of deposit if the licensee does not establish alternate financial surety as specified in this Part and obtain written approval of such alternate assurance from the Division Chief within ninety (90) days after receipt by both the licensee and the Division Chief of a notice from the issuing institution that it has decided not to extend the certificate of deposit beyond the current expiration date. The Director may delay the drawing if the issuing institution grants an extension of the term of the certificate of deposit. During the last thirty (30) days of any such extension, the Director will draw on the certificate of deposit if the licensee has failed to provide alternate financial surety as specified in this Part and obtain written approval of such surety from the Division Chief.

(Source: Added at \_\_ Ill. Reg. \_\_, effective \_\_)

SECTION 330 APPENDIX H - WORDING OF FINANCIAL SURETY ARRANGEMENTS  
(SECTION 330.250(C)(1)(E))

- 1) A surety bond guaranteeing funds for reclaiming as specified in subsection (a) of Appendix G of this Part, must contain the following provisions except that the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

SURETY BOND

Date bond executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: (legal name and business address of applicant or licensee)

Type of organization: (insert "individual," "joint venture," "partnership" or "corporation")

State of incorporation:

Surety(ies): (Name(s) and business address(es))

License Number(s), name, address and reclaiming cost for each facility guaranteed by this bond: \_\_\_\_\_

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto are firmly bound to the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704, (hereinafter called Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

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WHEREAS said Principal is required, under the Radiation Protection Act, as amended, to have a license in order to receive, possess, store and use radioactive material at the facility identified above, and

WHEREAS said Principal is required to provide financial assurance for reclaiming as a condition of the license;

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform reclaiming, whenever required to do so, of each facility for which this bond guarantees funds for reclaiming, to the satisfaction of the Director, Illinois Department of Nuclear Safety, in accordance with acceptable practices for protection of health and safety pursuant to all applicable laws, statutes, rules and regulations, as such laws, statutes, rules and regulations may be amended.

OR, if the Principal shall provide alternate financial assurance as specified in Section 330.250(c)(1)(H), and obtain the written approval of such assurance from the Chief Division of Nuclear Materials (hereinafter called the Division Chief), within ninety (90) days after the date notice of cancellation is received by both the Principal and the Division Chief from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Division Chief that the Principal has been found in violation of the reclaiming requirements of the Department, for a facility for which this bond guarantees funds for performance of reclaiming, the Surety(ies) shall forfeit the reclaiming cost amount guaranteed for the facility to the Department as directed by the Director.

Upon notification by the Division Chief that the Principal has failed to provide alternate financial assurance as specified in Section 330.250(c)(1)(H), and obtain written approval of such assurance from the Division Chief during the thirty (30) days following receipt by both the Principal and the Director of a notice of cancellation of the bond, the Surety(ies) shall forfeit funds in the amount guaranteed for the facility(ies) to the Department as directed by the Director.

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The Surety(ies) hereby waive(s) notification of amendments to licenses, applicable laws, statutes, rules and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the applicant or licensee and to the Division Chief, provided, however, that cancellation shall not occur during the 180 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Division Chief, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Division Chief.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this SURETY BOND and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).

PRINCIPAL

(Signature(s))

(Name(s))

(Title(s))

Corporate seal:

CORPORATE SURETY(IES)

(Name and address)

State of incorporation: \_\_\_\_\_

Liability limit: \$ \_\_\_\_\_

(Signature(s))

(Name(s))

(Title(s))

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Corporate seal:

(For every co-surety, provide signature(s), corporate seal and other information in the same manner as for the Surety above.)

Bond premium: \$ \_\_\_\_\_

- 2) A letter of credit, as specified in subsection (b) of Appendix G of this Part, must contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

IRREVOCABLE STANDBY LETTER OF CREDIT

Chief

Division of Nuclear Materials  
Illinois Department of Nuclear Safety

Date: \_\_\_\_\_

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in your favor, at the request and for the account of (applicant's or licensee's name and address) up to the aggregate amount of (in words) U.S. dollars \$ \_\_\_\_\_, available upon presentation of:

- A) your sight draft, bearing reference to this letter of credit No. \_\_\_\_\_, and
- B) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Illinois Radiation Protection Act, as amended."

This letter of credit is effective as of (date) and shall expire on (date at least 1 year later), but such expiration date shall be automatically extended for a period of (at least 1 year) on (date) and on each successive expiration date, unless, at least 180 days before the current expiration date, we notify both you and (applicant's or licensee's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 180 days after the date of receipt by both you and (licensee's name), as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall forfeit the amount of the draft to the State of Illinois in accordance with your instructions.

(Signature(s) and title(s) of official(s) of issuing institution)  
(Date)

This credit is subject to (the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, or the Uniform Commercial Code).

- 3) A certificate of insurance, as specified in subsection (c) of Appendix G of this Part, must contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

CERTIFICATE OF INSURANCE FOR RECLAIMING

Name and Address of Insurer  
(herein called the "Insurer"): \_\_\_\_\_

Name and Address of Insured  
(herein called the "Insured"): \_\_\_\_\_

Facilities Covered: (List for each facility: The License Number, name, address and the amount of insurance for reclaiming (these amounts for all facilities covered must total the face amount shown below)).

Face Amount: \_\_\_\_\_  
Policy Number: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial surety for reclaiming the facilities identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of subsection (c) of Appendix G of this Part, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulation is hereby amended to eliminate such inconsistency.

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Whenever requested by the Chief, Division of Nuclear Materials, Illinois Department of Nuclear Safety, the Insurer agrees to furnish to the Chief, Division of Nuclear Materials, a duplicate original of the policy listed above, including all endorsements thereon.

(Authorized signature for Insurer)

(Name of person signing)

(Title of person signing)

Signature of witness or notary: \_\_\_\_\_

(Date)

4)

A personal bond supported by securities, as specified in subsection (d) of Appendix G of this Part, must be accompanied by a document which contains the following provisions except that the instructions in parentheses are to be replaced with relevant information and the parentheses deleted:

## ASSIGNMENT OF SECURITIES

Pursuant to 32 Ill. Adm. Code 330.250(c), (licensee or applicant's name) hereby transfers ( ) Dollars (\$ ) in negotiable United States Treasury Securities unto Illinois Department of Nuclear Safety, including interest which thereby accrues, represented by Certificate No. ( ), herewith and does hereby agree that such securities shall be used for purposes of ensuring reclamation of ( name of facility ) site.

5)

A certificate of deposit, as specified in subsection (e) of Appendix G of this Part, must contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

## Name and address of Bank

Certificate of Deposit \$ \_\_\_\_\_, 19 \_\_\_\_\_  
No. \_\_\_\_\_

(Licensee name and address) has deposited not subject to check ( ) Dollars (\$ ) payable to the order of Illinois Department of Nuclear Safety, Chief, Division of Nuclear Materials, ( ) days after notice in writing of intended withdrawal shall have been given to the bank and upon surrender of this certificate properly endorsed, with interest as herein provided.

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This certificate shall be automatically renewed at maturity for successive periods of 1 year each. The bank reserves the right not to renew this certificate at the expiration of any 1 year's period upon mailing to the payee, at least 180 days prior to the expiration date, a notice of its election not to renew the certificate.

(Cashier)

Dated \_\_\_\_\_, 19 \_\_\_\_\_

(Licensee or Applicant)

Signature Guaranteed

By: \_\_\_\_\_

(Title)

## ASSIGNMENT OF CORPORATE OF MUNICIPAL BOND

Pursuant to 32 Ill. Adm. Code 330.250(c), (licensee or applicant's name) hereby transfers to Illinois Department of Nuclear Safety bonds of the (Corporation or Municipality's name) for ( ) Dollars (\$ ), No. ( ) herewith standing in the name of the undersigned on the books of said (Corporation or Municipality) and does hereby agree that such bonds shall be used for purposes of ensuring reclaiming of ( name of facility ) site.

Dated \_\_\_\_\_, 19 \_\_\_\_\_

(Licensee or Applicant)

Signature Guaranteed

By: \_\_\_\_\_

(Title)

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED RULES

1) Heading of the Part: USE OF RADIONUCLIDES IN THE HEALING ARTS2) Code Citation: 32 Ill. Adm. Code 3353) Section Number:Proposed Action:

335.10 New Section  
 335.20 New Section  
 335.30 New Section  
 335.40 New Section  
 335.1010 New Section  
 335.1020 New Section  
 335.1030 New Section  
 335.1040 New Section  
 335.1050 New Section  
 335.1060 New Section  
 335.1070 New Section  
 335.1080 New Section  
 335.1090 New Section  
 335.2010 New Section  
 335.2020 New Section  
 335.2030 New Section  
 335.2040 New Section  
 335.2050 New Section  
 335.2060 New Section  
 335.2070 New Section  
 335.2080 New Section  
 335.2090 New Section  
 335.2100 New Section  
 335.2110 New Section  
 335.2120 New Section  
 335.2130 New Section  
 335.3010 New Section  
 335.4010 New Section  
 335.4020 New Section  
 335.4030 New Section  
 335.5010 New Section  
 335.5020 New Section  
 335.5030 New Section  
 335.6010 New Section  
 335.7010 New Section  
 335.7020 New Section  
 335.7030 New Section  
 335.7040 New Section  
 335.7050 New Section  
 335.8010 New Section  
 335.8020 New Section  
 335.8030 New Section

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335.8040 New Section  
 335.8050 New Section  
 335.8060 New Section  
 335.8070 New Section  
 335.8080 New Section  
 335.8090 New Section  
 335.8100 New Section  
 335.8110 New Section  
 335.8120 New Section  
 335.8130 New Section  
 335.8140 New Section  
 335.8150 New Section  
 335.9010 New Section  
 335.9020 New Section  
 335.9030 New Section  
 335.9040 New Section  
 335.9050 New Section  
 335.9060 New Section  
 335.9070 New Section  
 335.9080 New Section  
 335.9090 New Section  
 335.9100 New Section  
 335.9120 New Section  
 335.9130 New Section  
 335.9140 New Section  
 335.9150 New Section  
 335.9160 New Section  
 335.9170 New Section  
 335.9180 New Section

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 211 et seq.).5) A Complete Description of the Subjects and Issues Involved: This Part consolidates the Department's requirements pertaining specifically to the use of radionuclides in the healing arts and the issuance of licenses authorizing the medical use of radioactive material. These rules replace the Department's current rules entitled "Use Of Sealed Radioactive Sources in the Healing Arts" (32 Ill. Adm. Code 370), and add new requirements. Also, certain requirements pertaining to medical use of radioactive material have been removed from 32 Ill. Adm. Code 330 and are included in this Part.6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No

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8) Does this proposed rule contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Although this Part contains requirements that are applicable to those units of local government that are licensed to use radionuclides in the healing arts, the requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 10, 1990

B) Types of small businesses affected: These rules could affect medical practices where radionuclides are used for the treatment of human patients. Such businesses are required to have a license issued by the Department of Nuclear Safety. This Part establishes licensing criteria, as well as requirements pertaining to the possession and use of radionuclides in the healing arts. The requirements of this Part replace licensing requirements applicable to the use of radionuclides in the healing arts previously codified in 32 Ill. Adm. Code 330.

C) Reporting, bookkeeping or other procedures required for compliance:

- Section 335.1020 requires the licensee to maintain records of individuals designated to perform regulatory responsibilities on behalf of the licensee.

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- Section 335.1030 requires the licensee's Radiation Safety Committee to keep records of meetings.
- Section 335.1060 requires licensees to retain records indicating permission has been granted for visiting authorized users to use licensed material.
- Section 335.1070 requires mobile nuclear medicine services to retain records authorizing such services to use radioactive materials at their client's addresses.
- Section 335.1080 requires licensees to report medical misadministrations to the Department to the patients' physicians and to retain records regarding medical misadministrations.
- Sections 335.2010 and 335.2020 require licensees to prepare and retain calibration records.
- Section 335.2030 requires licensees to prepare and retain records of assays of radiopharmaceuticals.
- Section 335.2050 requires licensees to retain records of leak test results.
- Section 335.2080 requires licensees to retain records of the results of radiation surveys.
- Section 335.2090 requires licensees to provide safety instructions to certain therapy patients and their families.
- Section 335.2120 requires nuclear medicine services to retain records of the results of radiation surveys.
- Section 335.4020 requires licensees who prepare technetium-99m from molybdenum-99 to prepare and to retain records of molybdenum concentrations and to report to the Department whenever molybdenum-99 concentration limits have been exceeded.
- Section 335.4030 requires licensees to retain records of the calculations performed to determine the amount of time needed to reduce air concentrations of radioactive gases to within occupational limits.

- Sections 335.5020 and 335.5030 require licensees to take special precautionary measures with respect to patients to whom radiopharmaceuticals have been administered and to keep records describing the precautionary measures taken.
- Sections 335.7020 and 335.7030 require licensees to provide safety instructions to personnel that care for patients receiving radioactive implants and to take special safety precautions with respect to such patients.
- Section 335.7040 requires licensees to retain records regarding the use of radioactive brachytherapy sources.
- Section 335.8040 requires licensees to provide radiation safety instructions to persons who perform teletherapy procedures and to keep records of such instructions.
- Section 335.8050 requires licensees to report malfunctions of teletherapy units to the Department.
- Section 335.8060 requires licensees to keep records of calibration of teletherapy dosimetry equipment.
- Section 335.8090 requires licensees to keep records of calibration measurements made on teletherapy units.
- Section 335.8100 requires licensees to keep records of periodic spot-checks of teletherapy units.
- Section 335.8110 through 335.8140 require licensees to prepare records of radiation surveys performed at teletherapy facilities and to send such records to the Department.

D) Types of professional skills necessary for compliance: In order to comply with this Part, persons using radioactive materials for medical purposes must be licensed to practice in the healing arts and have additional training in the use of radiopharmaceuticals. In addition, persons skilled in radiation safety, the use of radiopharmaceuticals, and the calibration of equipment that uses radioactive materials may also be required.

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 335  
USE OF RADIONUCLIDES IN THE HEALING ARTS

SUBPART A: General Information

Section	
335.10	Purpose and Scope
335.20	Definitions
335.30	License Required
335.40	License Amendments

SUBPART B: General Administrative Requirements

Section	
335.1010	ALARA Program
335.1020	Radiation Safety Officer
335.1030	Radiation Safety Committee
335.1040	Statement of Authorities and Responsibilities
335.1050	Supervision
335.1060	Authorized User and Visiting Authorized User
335.1070	Mobile Nuclear Medicine Service Administrative Requirements
335.1080	Records and Reports of Diagnostic Events, Diagnostic Misadministrations and Therapy Misadministrations
335.1090	Materials Authorized for Medical Use

SUBPART C: General Technical Requirements

Section	
335.2010	Possession, Use, Calibration and Check of Dose Calibrators
335.2020	Possession, Calibration and Check of Survey Instruments
335.2030	Assay of Radiopharmaceutical Dosages
335.2040	Authorization for Calibration and Reference Sources
335.2050	Requirements for Possession of Sealed Sources
335.2060	Syringe Shields and Syringe Shield Labels
335.2070	Vial Shields and Vial Shield Labels
335.2080	Surveys for Contamination and Ambient Radiation Dose Rate
335.2090	Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants
335.2100	Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants
335.2110	Discharge of Patients Being Treated with Therapeutic Doses of Radiopharmaceuticals or Permanent Implants
335.2120	Mobile Nuclear Medicine Service Technical Requirements

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Section  
335.2130

Storage of Volatiles and Gases

## SUBPART D: Uptake, Dilution and Excretion

Section  
335.3010

Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies

## SUBPART E: Imaging and Localization

Section  
335.4010Use of Radiopharmaceuticals, Generators and Reagent Kits for Imaging and Localization Studies  
Permissible Molybdenum-99 Concentration  
Control of Aerosols and GasesSection  
335.4020  
335.4030

## SUBPART F: Radiopharmaceuticals for Therapy

Section  
335.5010  
335.5020  
335.5030Use of Radiopharmaceuticals for Therapy  
Safety Instruction  
Safety Precautions for Radiopharmaceutical Therapy

## SUBPART G: Sealed Sources for Diagnosis

Section  
335.6010

Use of Sealed Sources for Diagnosis

## SUBPART H: Sealed Sources for Brachytherapy

Section  
335.7010  
335.7020  
335.7030  
335.7040  
335.7050Use of Sealed Sources for Brachytherapy  
Safety Instruction  
Safety Precautions  
Accountability of Brachytherapy Sources  
Discharge of Patients Treated With Temporary Implants

## SUBPART I: Teletherapy

Section  
335.8010  
335.8020  
335.8030  
335.8040  
335.8050Use of a Sealed Source in a Teletherapy Unit  
Maintenance and Repair Restrictions  
Amendments to Teletherapy Licenses  
Safety Instructions for Teletherapy  
Doors, Interlocks and Safety Related Systems

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Section  
335.8060  
335.8070  
335.8080  
335.8090  
335.8100  
335.8110  
335.8120  
335.8130Radiation Monitoring Device for Teletherapy  
Viewing System for Teletherapy  
Teletherapy Dosimetry Equipment  
Full Calibration Measurements for Teletherapy  
Periodic Spot-Checks for Teletherapy  
Radiation Surveys for Teletherapy Facilities  
Safety Checks for Teletherapy Facilities  
Modification of Teletherapy Unit or Room Before Beginning a Treatment Program  
Reports of Teletherapy Surveys, Checks, Tests and Measurements  
Five-year Teletherapy Inspection

## SUBPART J: Training and Experience Requirements

Section  
335.9010  
335.9020  
335.9030  
335.9040  
335.9050  
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335.9070  
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335.9090Radiation Safety Officer  
Training for Experienced Radiation Safety Officer  
Training for Uptake, Dilution, or Excretion Studies  
Training for Imaging and Localization Studies  
Training for Therapeutic Use of Radiopharmaceuticals  
Training for Treatment of Hyperthyroidism  
Training for Treatment of Thyroid Carcinoma  
Training for Therapeutic Use of Soluble Phosphorus-32  
Training for Therapeutic Use of Colloidal Chromic Phosphate-32 or Gold-198  
Training for Use of Sources for Brachytherapy  
Training for Ophthalmic Use of Strontium-90  
Training for Use of Sealed Sources for Diagnosis  
Training for Teletherapy  
Training for Teletherapy Physicist  
Training for Experienced Authorized Users  
Physician Training in a Three Month Program  
Recentness of TrainingSection  
335.9100  
335.9120  
335.9130  
335.9140  
335.9150  
335.9160  
335.9170  
335.9180Training for Use of Sources for Brachytherapy  
Training for Ophthalmic Use of Strontium-90  
Training for Use of Sealed Sources for Diagnosis  
Training for Teletherapy  
Training for Teletherapy Physicist  
Training for Experienced Authorized Users  
Physician Training in a Three Month Program  
Recentness of Training

AUTHORITY: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 211 et seq.).

SOURCE: Adopted at \_\_ Ill. Reg. \_\_, effective \_\_\_\_.

## SUBPART A: General Information

## Section 335.10 Purpose and Scope

This Part establishes requirements for the use of radionuclides in the healing arts and for issuance of licenses authorizing the medical use of this material.

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These requirements provide for the protection of the public health and safety. The requirements of this Part are in addition to, and not in substitution for, others in 32 Ill. Adm. Code: Chapter II, Subchapter b. The requirements of 32 Ill. Adm. Code: Chapter II, Subchapter b apply to applicants and licensees subject to this Part unless specifically exempted.

## Section 335.20 Definitions

"As low as is Reasonably Achievable" means as low as is reasonably achievable taking into account the state of technology, and the costs of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the use of ionizing radiation in the public interest.

"ALARA program" means a program designed to maintain effluents to unrestricted areas, occupational doses, and doses to the general public as low as is reasonably achievable.

"Area of use" means a portion of a physical structure that has been set aside for the purpose of receiving, using, or storing radioactive material.

"Authorized user" means an individual who is identified as being authorized to use radioactive material on a Department of Nuclear Safety (Department), Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of less than 6 centimeters (cm), by surface, intracavitary, or interstitial application.

"Case" means the performance of a clinical procedure on a patient.

"Classroom and laboratory training" means planned instruction outlined in a syllabus and offered by an individual or organization that has teaching as a primary responsibility. It is comprised of lectures, demonstrations, hands-on laboratory exercises and tests.

"Clinical procedure" means a method of using radioactive material for patient care in which the material or its radiation is administered to the patient. A specific clinical procedure specifies, either explicitly or in context, the indication for the procedure, the purpose (diagnosis or therapy), the radionuclide and its chemical and physical form, the dosage or dose and method of administration and patient follow-up. Diagnostic clinical procedures also include the method of collecting raw data, manipulating the data and interpreting the final results, which may be images, graphs, or numbers.

"Dedicated check source" means a radioactive source, with a half life greater than 5 years, that is used to assure the constant operation of a radiation detection or measurement device.

"Diagnostic Event" means the administration of:

A diagnostic radiopharmaceutical or radiation from a sealed source, as specified in Section 335.6010, other than the one intended;

A diagnostic radiopharmaceutical or radiation from a sealed source, as specified in Section 335.6010, to a patient other than the one for whom the diagnostic study was prescribed;

A diagnostic radiopharmaceutical by a route of administration other than that intended by the prescribing physician; or

A diagnostic dosage of a radiopharmaceutical differing from the prescribed dosage by more than 100 percent.

"Diagnostic Misadministration" means the administration of a diagnostic radiopharmaceutical or radiation from a sealed source, as specified in Section 335.6010, to a patient that is a diagnostic event and the patient has received a dosage exceeding the prescribed dosage by at least five-fold.

"Licensed practitioner of the healing arts" means a person licensed under the Medical Practice Act of 1987, the Illinois Dental Practice Act, or the Podiatric Medical Practice Act of 1987.

"Management" means the chief executive officer or that individual's designee.

"Medical institution" means:

An organization, other than an medical clinic, private medical practice, or mobile nuclear medicine service, that holds a specific license issued by the Department and that practices more than two medical disciplines; or

A medical clinic, private practice, or mobile nuclear medicine service that holds a specific license issued by the Department and is authorized under Sections 335.5010, 335.7010, or 335.8010 to use radioactive material.

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"Medical use" means the intentional internal or external administration of radioactive material, or the radiation therefrom, to humans in the practice of the healing arts.

"Output" means the exposure rate, dose rate, or a quantity related in a known manner to these rates from a teletherapy unit for a specified set of exposure conditions.

"Personal participation in a complete case" means performing or observing all the steps required to perform a clinical procedure on a patient under the supervision of an authorized user. This means selection and preparation of the radiopharmaceutical, calculation, measurement, and administration of the dosage or dose, operation of all the equipment used during the clinical procedure, collection and manipulation of the raw data, performing or observing the patient examination, case history review, determination of suitability for radionuclide diagnosis, interpretation of the results, and follow-up for the case. For purposes of meeting training requirements, mere interpretation of the results does not constitute personal participation in a case.

"Personally performing a complete case" means performing all the steps required to perform a clinical procedure on a patient. This means selection and preparation of the radiopharmaceutical, calculation, measurement, and administration of the dosage or dose, operation of all the equipment used during the clinical procedure, collection and manipulation of the raw data, performing or observing the patient examination, case history review, determination of suitability for radionuclide diagnosis, interpretation of the results, and follow-up for the case. For purposes of meeting training requirements, mere interpretation of the results does not constitute personal performance in a case.

"Supervised clinical experience" means performing specified tasks in the clinical setting during the work day. It is required to provide the student with the medical knowledge and facility needed to provide assurance that the clinical procedure will be of benefit to the patient. It is provided in the clinic, as contrasted to the classroom, because that is the most efficient way to provide the instruction. However, continuing education courses, seminars, journal clubs, and other methods of clinical instruction may comprise up to 20% of this training and experience.

"Supervised handling experience" means performing specified tasks with equipment in the clinical setting during the work day. It is required so that the student will develop facility in performing those tasks in the work setting, as contrasted to the classroom and laboratory setting. This is usually accomplished during the "supervised clinical experience" period.

"Teletherapy" means a method of radiation therapy in which the source of radiation is at a distance of 6 cm or more from the area being treated.

"Teletherapy physicist" means the individual identified as the teletherapy physicist on a radioactive material license.

"Therapy Misadministration" means the administration of a radiopharmaceutical or radiation from a sealed source that involves:

Any therapeutic treatment of the wrong patient, administration of the wrong radiopharmaceutical or radiation from the wrong sealed source, administration of a radiopharmaceutical or radiation to the wrong target organ or treatment site, or via the wrong or unintended route of administration;

Any therapeutic medical use of a radiopharmaceutical such that errors result in an administered dosage differing from the prescribed dosage by more than 20 percent of the prescribed dosage;

A teletherapy administration such that errors in the source calibration, the time of exposure, treatment geometry, or other errors result in an administered total dose differing from the prescribed dose by more than 10 percent of the total prescribed dose; or

A brachytherapy administration with a sealed source that is leaking within the patient, or a temporary implant that is unrecoverable from the patient during or at the end of the brachytherapy treatment.

"Visiting authorized user" means a temporary (i.e., less than 60 consecutive days each year) authorized user who is not identified on the license of the licensee being visited and who has been approved by the Radiation Safety Committee in accordance with Section 335.1060(b).

## Section 335.30 License Required

- a) No person shall manufacture, produce, acquire, receive, possess, use, or transfer radioactive material for medical use except in accordance with a specific license issued in accordance with 32 Ill. Adm. Code 330.

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- b) Unless prohibited by license condition, an individual may receive, possess, use, or transfer radioactive material in accordance with the regulations in this Part under the supervision of an authorized user as provided in Section 335.1050.

## Section 335.40 License Amendments

For specific licenses issued pursuant to 32 Ill. Adm. Code 330.260(a) or 330.260(b), a licensee's management shall apply for and shall receive a license amendment:

- a) Before using radioactive material for any use not permitted by the license;
- b) Before permitting anyone, except a visiting authorized user described in Section 335.1060, to work as an authorized user under the license;
- c) Before changing the Radiation Safety Officer or teletherapy physicist. If the Radiation Safety Officer or teletherapy physicist named on the license is no longer performing his duties, the Radiation Safety Committee may have the duties performed by an individual who meets the training criteria listed in Section 335.9010 or 335.9150 for up to 90 days while an amendment is being obtained;
- d) Before receiving radioactive material in excess of the amount authorized on the license;
- e) Before adding to or changing any area of use identified on the license;
- f) Before changing statements, representations and procedures that are incorporated into the license; and
- g) Within 30 days after changing the name or the mailing address of the licensee as it appears on the license.

## SUBPART B: General Administrative Requirements

## Section 335.1010 ALARA Program

- a) Each licensee shall develop and implement a written program designed to maintain radiation doses and releases of radioactive material in effluents to unrestricted areas as low as is reasonably achievable.
- b) To satisfy the requirement of subsection (a):

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- 1) The management, Radiation Safety Officer and all authorized users shall participate in the establishment, implementation and operation of the ALARA program as required by 32 Ill. Adm. Code 340.1000(b).
  - 2) For licensees that are not medical institutions, management and all authorized users shall participate in the program as requested by the Radiation Safety Officer.
  - 3) The ALARA program shall include notice to workers of the program's existence and workers' responsibility to help keep radiation doses as low as is reasonably achievable.
- c) The ALARA program shall include an annual review by the Radiation Safety Committee for medical institutions, or management and the Radiation Safety Officer for licensees that are not medical institutions. The annual review shall include summaries of:
- 1) the types and amounts of radioactive material used;
  - 2) occupational dose reports;
  - 3) all license conditions and regulations as they relate to the licensee's program; and
  - 4) continuing education and training provided to personnel as required by 32 Ill. Adm. Code 400.120.
- d) The purpose of the review is to ensure that individuals make every effort to maintain occupational doses, doses to the general public and releases of radioactive material as low as is reasonably achievable.
- e) The licensee shall retain a current written description of the ALARA program for the duration of the license. The written description must include:
- 1) A commitment by management to keep occupational doses and releases of radioactive material in effluents as low as is reasonably achievable;
  - 2) A requirement that the Radiation Safety Officer brief management at least once each year on the radiation safety program;
  - 3) Personnel dose investigation levels that, when exceeded, will initiate an investigation by the Radiation Safety Officer of the cause of the dose; and

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- 4) Personnel dose investigational levels that, when exceeded, will initiate a prompt investigation by the Radiation Safety Officer of the cause of the dose and a consideration of actions that might be taken to reduce the probability of recurrence.

## Section 335.1020 Radiation Safety Officer

- a) A licensee shall appoint a Radiation Safety Officer responsible for implementing the radiation safety program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with the license provisions and regulatory requirements in the daily operation of the licensee's radioactive material program.

- b) The Radiation Safety Officer shall:

- 1) Investigate overexposures, accidents, diagnostic events, diagnostic misadministrations and therapy misadministrations, spills, losses, thefts, unauthorized receipts, unauthorized uses, unauthorized transfers, unauthorized disposals and other deviations from approved radiation safety practices and implement corrective actions as necessary;

- 2) Implement written policy and procedures for:

- A) Authorizing the purchase of radioactive material;
- B) Receiving and opening packages of radioactive material;
- C) Storing radioactive material;
- D) Keeping an inventory record of radioactive material;
- E) Using radioactive material safely;
- F) Taking emergency action if control of radioactive material is lost;
- G) Performing radiation surveys as required by the license, or this Part, or 32 Ill. Adm. Code 330 or 340;
- H) Performing operability checks of survey instruments and other safety equipment;
- I) Disposing of radioactive material in accordance with the requirements of 32 Ill. Adm. Code 340.3010;

- J) Providing or supervising the provision of radiation safety training to personnel who work in or frequent areas where radioactive material is used or stored; and
- K) Keeping copies of the license and 32 Ill. Adm. Code: Chapter II and all records, reports and written policies and procedures required thereunder.

- 3) For medical use at a facility other than a medical institution, approve or disapprove radiation safety program changes with the advice and consent of management prior to submittal to the Department for licensing action.

- 4) For medical use at a medical institution, assist the Radiation Safety Committee in the performance of its duties as specified in Section 335.1030.

- 5) Maintain, for inspection by the Department, records of all individuals designated by the Radiation Safety Officer to perform duties or meet regulatory requirements that would otherwise be required as a duty or responsibility of the Radiation Safety Officer. These records shall include:

- A) The name of the designated individual;
  - B) A list of all duties and responsibilities the Radiation Safety Officer's designee is authorized to perform;
  - C) The date upon which the designation became effective;
  - D) The signature of the Radiation Safety Officer's designee; and
  - E) The signature of the Radiation Safety Officer.
- 6) The Radiation Safety Officer shall review records generated by designees and the performance of designees at least one in each calendar quarter. In addition, the licensee shall maintain records of these quarterly reviews and Radiation Safety Officer's designee reviews for Departmental inspection. These records shall include:

- A) The date of the review;
- B) The records being reviewed or the name of the designee being reviewed;

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- C) A list of all duties and responsibilities reviewed by the Radiation Safety Officer for the designee review;
- D) The results of the Radiation Safety Officer's review and any corrective measures taken, if applicable, based on the review; and
- E) The signature of the Radiation Safety Officer.
- Section 335.1030 Radiation Safety Committee
- Each medical institution licensee shall establish a Radiation Safety Committee to oversee the use of radioactive material.
- a) The Committee shall meet the following administrative requirements:
- 1) Membership must consist of at least three individuals and shall include an authorized user of each type of use permitted by the license, the Radiation Safety Officer for each medical license, a representative of the nursing service and a representative of management who is neither an authorized user nor a Radiation Safety Officer.
  - 2) The Committee shall meet at least once each calendar quarter.
  - 3) To establish a quorum and to conduct business, Committee membership in attendance shall include the management's representative and the Radiation Safety Officer. However, no more than once per year, the Radiation Safety Officer's designee may substitute for the Radiation Safety Officer, provided that the designee has a written report from the Radiation Safety Officer.
  - 4) The minutes of each Radiation Safety Committee meeting shall include:
    - A) The date of the meeting;
    - B) Members in attendance;
    - C) Members absent;
    - D) Summary of deliberations and discussions;
    - E) Recommended actions and the numerical results of all votes; and

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- F) Documentation of any reviews required by subsection (b) below and Section 335.1010(b).
- 5) The Committee shall provide each member with a copy of the meeting minutes within 30 days of the meeting, and retain one copy for 5 years from the meeting date.
- b) To oversee the use of licensed material, the Committee shall:
- 1) Monitor the institutional program to maintain individual and collective doses as low as is reasonably achievable;
  - 2) Review and approve or disapprove any individual who is to be listed as an authorized user, Radiation Safety Officer, or Teletherapy Physicist before submitting a license application or request for amendment or renewal. Such review and approval shall be on the basis of safety and with regard to the training and experience standards of this Part;
  - 3) Review on the basis of safety and approve or disapprove each proposed method of use of radioactive material;
  - 4) Submit to the Department, for licensing action, only those procedures and radiation safety program changes that have been reviewed by the Committee on the basis of safety, and have been approved with the advice and consent of the Radiation Safety Officer and the management representative;
- AGENCY NOTE: This approval may be obtained either by vote at a meeting of the Radiation Safety Committee or by written approval of the individual members of the Committee.
- 5) Review quarterly, with the assistance of the Radiation Safety Officer, occupational radiation exposure records of all personnel working in the vicinity of radioactive material;
  - 6) Review quarterly all diagnostic events, diagnostic misadministrations, therapy misadministrations and incidents involving radioactive material with respect to cause and subsequent actions taken. These reviews shall be with the assistance of the Radiation Safety Officer;
  - 7) Review annually the radiation safety program. These reviews shall be with the assistance of the Radiation Safety Officer; and

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- 8) Establish a table of investigational levels for occupational dose that, when exceeded, will initiate investigations and considerations of action by the Radiation Safety Officer.

## Section 335.1040 Statement of Authorities and Responsibilities

- a) A licensee shall provide the Radiation Safety Officer, and also at a medical institution the Radiation Safety Committee, authority, organizational freedom and management prerogative to:

- 1) Identify actual or potential radiation safety hazards;
- 2) Initiate, recommend, or provide solutions to actual or potential radiation safety hazards; and
- 3) Verify implementation of corrective actions.

- b) A licensee shall establish, in writing, the authorities, duties, responsibilities and radiation safety activities of the Radiation Safety Officer, and also at a medical institution the Radiation Safety Committee.

## Section 335.1050 Supervision

- a) A licensee who permits the receipt, possession, use, or transfer of radioactive material by an individual other than a physician under the supervision of an authorized user as allowed by Section 335.30 shall:

- 1) Instruct the supervised individual in the principles of radiation safety appropriate to that individual's use of radioactive material;
- 2) Review the supervised individual's use of radioactive material, provide reinstruction and review records kept to reflect this use;
- 3) Require the authorized user or Radiation Safety Officer to be available to communicate with the supervised individual; and
- 4) Allow only those individuals who are accredited by the Department pursuant to 32 Ill. Adm. Code 401.100 or exempt from accreditation by 32 Ill. Adm. Code 401.30, and designated in writing by the licensee, to administer radionuclides or radiation to patients.

- b) A licensee who permits the receipt, possession, use, or transfer of radioactive material by a physician under the supervision of an authorized user as allowed by Section 335.30 shall:

- 1) Review the supervised individual's use of radioactive material, provide reinstruction and review records kept to reflect this use;
  - 2) Require the authorized user to be available to communicate with the supervised individual; and
  - 3) Maintain a record of each supervised individual for a period of 5 years from the initiation of their supervised training. This record shall include the name of each supervised individual, the results of reviews required by subsection (b)(1) above, a description of what procedures the supervised individual is approved to perform and the signature of the supervising authorized user.
- c) A licensee shall require the supervised individual receiving, possessing, using, or transferring radioactive material under Section 335.30 to:
- 1) Follow the instructions of the supervising authorized user;
  - 2) Follow the procedures established by the Radiation Safety Officer; and
  - 3) Comply with this Part and 32 Ill. Adm. Code 310, 330, 340, 341, 400 and 401 and the license conditions with respect to the use of radioactive material.

## Section 335.1060 Authorized User and Visiting Authorized User

- a) A licensee shall assure that only authorized users of radioactive material who are licensed practitioners of the healing arts:
- 1) Select or establish written criteria for the selection of the patients to receive radioactive material or radiation therefrom;
  - 2) Prescribe the radiopharmaceutical dosage or radiation dose to be administered; and
  - 3) Interpret the results of tests, studies, or treatments.

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- b) A licensee may permit any visiting authorized user to use licensed material for medical use under the terms of the licensee's license for up to 60 consecutive days each year without applying for a license amendment if:
- 1) The physician is licensed in accordance with the Medical Practice Act of 1987;
  - 2) The visiting authorized user has the prior written permission of the licensee's management and, if the use occurs on behalf of an institution, the institution's Radiation Safety Committee;
  - 3) The licensee has a copy of a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license that identifies the visiting authorized user by name as an authorized user; and
  - 4) Only those procedures for which the visiting authorized user is specifically authorized by a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license are performed by that individual.
- c) A licensee shall retain copies of the records specified in subsection (b) for 5 years.

## Section 335.1070 Mobile Nuclear Medicine Service Administrative Requirements

- a) Mobile nuclear medicine service licensees shall obtain a letter, signed by the management of each client for whom services are rendered, that authorizes use of radioactive material at the client's address of use. The mobile nuclear medicine service licensee shall retain the letter for 5 years after the last provision of service.
- b) If a mobile nuclear medicine service provides services that the client is also authorized to provide, then the mobile nuclear medicine service shall provide those services in accordance with 32 Ill. Adm. Code: Chapter II and the requirements of the mobile nuclear medicine service's license.
- c) A mobile nuclear medicine service may not have radioactive material delivered directly from the manufacturer or the distributor to the mobile nuclear medicine service company's client.

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- d) The mobile nuclear medicine service shall retain a record of all dosages administered under the service's license for 5 years after the date of administration. This record shall include the radiopharmaceutical name, the clinical procedure, the activity administered, the name of the authorized user, the date of administration and the initials of the individual performing the administration.
- e) A mobile nuclear medicine licensee may permit a physician to use licensed material for medical use under the terms of the mobile nuclear medicine service's license without applying for a license amendment if:
  - 1) The physician has the prior written permission of the mobile nuclear medicine service's management;
  - 2) The mobile nuclear medicine service has a copy of a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license that identifies the physician by name as an authorized user for medical use; and
  - 3) Only those procedures for which the physician is specifically authorized by a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license are performed by that individual.
- f) Mobile nuclear medicine licensees shall comply with the ALARA program requirements of Section 335.1010.

## Section 335.1080 Records and Reports of Diagnostic Events, Diagnostic Misadministrations and Therapy Misadministrations

- a) Within 24 hours after the licensee ascertains and confirms that a therapy misadministration has occurred, the licensee shall notify the Department by telephone, and shall also notify the Radiation Safety Officer, the referring physician of the affected patient, and the patient or a responsible relative or guardian, unless the referring physician agrees to inform the patient or believes, based on medical judgment, that telling the patient or the patient's responsible relative or guardian would be harmful to one or the other. If the referring physician, patient, or the patient's responsible relative or guardian cannot be reached within 24 hours, the licensee shall notify them as soon as practicable. The licensee is not required to notify the patient or the patient's responsible relative or guardian without first consulting the referring physician; however, the licensee shall not delay medical care for the patient because of this. If there was no referring physician, the notifications required by this subsection shall be provided to the affected patient's personal physician.

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- b) Within 15 days after initially ascertaining and confirming that a therapy misadministration has occurred, the licensee shall file a written report to the Department and to the referring physician. The written report must include the licensee's name; the referring physician's name; a brief description of the event; the effect on the patient; the action taken to prevent recurrence; whether the licensee informed the patient or the patient's responsible relative or guardian, and if not, why not. The report to the Department must not include the patient's name or other information that could lead to identification of the patient. If there was no referring physician, the report required by this subsection shall be provided to the patient's personal physician.
- c) When a diagnostic event occurs, the Radiation Safety Officer shall, within 15 days, investigate its cause, make a record for review and retain the record as specified in subsection (e).
- d) When a diagnostic misadministration occurs, the Radiation Safety Officer shall investigate its cause, make a record for Department review and retain the record as directed in subsection (e). The licensee shall also notify the referring physician and the Department in writing within 15 days of the misadministration. If there was no referring physician, the notification required by this subsection shall be provided to the patient's personal physician.
- e) Each licensee shall retain a record of each diagnostic event, diagnostic misadministration and therapy misadministration for five years. The record must contain the names of all individuals involved (including the physician, allied health personnel, the patient and the patient's referring or personal physician), the patient's social security number or identification number if one has been assigned, a brief description of the event, the effect on the patient and the action taken, if any, to prevent recurrence. Records must be available for review by the Department.
- f) Aside from the notification requirement, nothing in this Section shall affect any rights or duties of licensees, and physicians in relation to each other, patients, or responsible relatives or guardians.

## Section 335.1090 Materials Authorized for Medical Use

A licensee may utilize only the following for medical use:

- a) Radioactive material prepared, manufactured, labeled, packaged and distributed in accordance with a license issued pursuant to 32 Ill. Adm. Code 330 or the equivalent regulations of an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission; and

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- b) Reagent kits that have been manufactured, labeled, packaged, and distributed in accordance with an approval issued by the U.S. Department of Health and Human Services, Food and Drug Administration, the Department, an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission.

## SUBPART C: General Technical Requirements

## Section 335.2010 Possession, Use, Calibration and Check of Dose Calibrators

- a) A medical use licensee that is authorized to administer radiopharmaceuticals shall possess a dose calibrator and use it to measure the amount of activity administered to each patient. If the dose calibrator does not function properly, the licensee may use unit diagnostic doses supplied by a radiopharmacy for up to 72 hours while the dose calibrator is being repaired, replaced, or a loaner is obtained. However, all therapy doses must be checked by the licensee in a dose calibrator meeting all the requirements of this Section.
- b) A licensee shall:
- 1) Check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use. To satisfy the requirement of this subsection, the check must be done on all settings to be used that day with a sealed source of not less than 10 microcuries (uCi) (370 kBq) of radium-226 or 50 uCi (1.85 MBq) of any other photon-emitting radionuclide with a half-life greater than 90 days;
  - 2) Test each dose calibrator for accuracy upon installation, and thereafter at intervals not to exceed 12 months, by assaying at least the following 3 sealed sources, the activity of which the manufacturer, National Bureau of Standards, or the National Institute of Standards and Technology has determined within 5 percent of the stated activity:
    - A) Cesium-137, minimum 100 uCi (3.7 MBq) source;
    - B) Barium-133, minimum 100 uCi (3.7 MBq) source;
    - C) Cobalt-57, minimum 1 millicurie (37 MBq) source;
  - 3) Test each dose calibrator for linearity upon installation, and thereafter at intervals not to exceed 3 months, over the range of use between 10 uCi (370 kBq) and the highest dosage that will be administered; and

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- 4) Test each dose calibrator for geometry dependence upon installation or relocation over the range of volumes and volume configurations for which it will be used. The licensee shall keep a record of this test for the duration of the use of the dose calibrator.
- c) A licensee shall mathematically correct dosage readings for any geometry or linearity error that exceeds 10 percent if the dosage is greater than 10 uCi (370 kBq) and shall repair or replace the dose calibrator if the accuracy or constancy error exceeds 10 percent.
- d) A licensee shall also perform checks and tests required by subsection (b) following adjustment or repair of the dose calibrator.
- e) A licensee shall retain a record of each check and test required by this Section for 5 years. The records required by this Section shall include:
  - 1) For subsection (b)(1), the model and serial number of the dose calibrator, the identity of the radionuclide contained in the check source, the date of the check, the activity measured, the instrument settings and the initials or signature of the individual who performed the check;

- 2) For subsection (b)(2), the model, serial number, radionuclide, assay activity and assay date of each source used, the model and serial number of the dose calibrator, the date and results of the accuracy test and the signatures of the Radiation Safety Officer and the individual who performed the test;

- 3) For subsection (b)(3), the model and serial number of the dose calibrator, the calculated activities, the measured activities, the date of the test, the signature of the individual performing the test and the signature of the Radiation Safety Officer; and
- 4) For subsection (b)(4), the model and serial number of the dose calibrator, the activity and configuration of the source measured, the activity measured for each volume measured, the instrument setting for each volume measured, the date of the test, the signature of the individual performing the test and the signature of the Radiation Safety Officer.

## Section 335.2020 Possession, Calibration and Check of Survey Instruments

- a) A licensee authorized to use radioactive material for uptake, dilution and excretion studies shall have in its possession a portable radiation detection survey instrument capable of detecting

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- b) dose rates over the range 0.1 mrem (1.0 uSv) per hour to 50 mrem (500 uSv) per hour. The instrument shall be operable and calibrated in accordance with the requirements of this Section.
- b) A licensee authorized to use radioactive material for imaging and localization studies, for radiopharmaceutical therapy or for implant therapy shall have in its possession a portable radiation detection survey instrument capable of detecting dose rates over the range 0.1 mrem (1.0 uSv) per hour to 50 mrem (500 uSv) per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range 1 mrem (10 uSv) per hour to 1000 mrem (10 mSv) per hour. The instrument shall be operable and calibrated in accordance with the requirements of this Section.
- c) A licensee authorized to use radioactive material as a sealed source for diagnostic purposes or in a teletherapy unit shall have in its possession either a portable radiation detection survey instrument capable of detecting dose rates over the range 0.1 mrem (1.0 uSv) per hour to 50 mrem (500 uSv) per hour or a portable radiation measurement survey instrument capable of measuring dose rates over the range 1 mrem (10 uSv) per hour to 1000 mrem (10 mSv) per hour. The instrument shall be operable and calibrated in accordance with the requirements of this Section.
- d) A licensee shall ensure that the survey instruments used to show compliance with this Part have been calibrated before first use, annually and following repair.
- e) To satisfy the requirement of subsection (d) the licensee shall:
  - 1) Calibrate all required scale readings up to 1000 mrem (10 mSv) per hour with a radiation source;
  - 2) Calibrate two readings, separated by at least 50 percent of the full-scale reading, for each scale to be calibrated;
  - 3) Post a legible note on the instrument with the apparent exposure rate from a dedicated check source as determined at the time of calibration, and with the date of calibration; and
  - 4) Ensure that survey instrument calibrations are performed by persons specifically licensed by the Department, an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission to perform such services.

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f) To satisfy the requirements of subsection (e) the licensee shall:

- 1) Consider a point as calibrated only if the indicated exposure rate differs from the calculated exposure rate by not more than 10 percent; and
  - 2) Consider a point as calibrated if the indicated exposure rate differs from the calculated exposure rate by not more than 20 percent if a correction chart or graph is conspicuously attached to the instrument.
- g) Prior to using radioactive material, a licensee shall check each survey instrument with a dedicated check source on each day that radioactive material is used. This check source shall have a half-life greater than 5 years. These checks shall be taken with the check source placed in a specific geometry relative to the detector. If any check source reading varies greater than 20 percent from the reading measured immediately after calibration the licensee shall require that the instrument be repaired or re-calibrated before use to determine compliance with this Part or 32 Ill. Adm. Code 340. The results of these checks shall be recorded:

- 1) After repair, battery change, or instrument calibration; and
  - 2) At intervals not to exceed 3 months.
- h) The licensee shall retain a record, for 5 years, of each calibration required in subsection (d). The record shall include:
- 1) A copy of the licensee's calibration procedures or a copy of a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license authorizing the person that performed the calibration to perform calibrations as a customer service; and
  - 2) The model, serial number, radionuclide, assay activity and assay date of the source used and the certified exposure rates from the source, and the rates indicated by the instrument being calibrated, the correction factors deduced from the calibration data, the signature of the individual who performed the calibration and the date of calibration.
- i) The licensee shall retain a record of each check required in subsection (h) for 5 years. The record shall include a description of the source used, the radiation level indicated by the instrument being checked, the signature of the individual who performed the check and the date of the check.

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- j) To meet the requirements of subsections (d), (e) and (f), the licensee may obtain the services of persons licensed by the Department, an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission, to perform calibrations of survey instruments. Records of calibrations, which contain information required by subsection (h), shall be maintained by the licensee.

## Section 335.2030 Assay of Radiopharmaceutical Dosages

A licensee shall:

- a) Assay, before medical use, the activity of each radiopharmaceutical dosage that contains more than 10 uCi (370 kBq) of a photon-emitting radionuclide;
- b) Assay, before medical use, the activity of each radiopharmaceutical dosage with a desired activity of 10 uCi (370 kBq) or less of a photon-emitting radionuclide to verify that the dosage does not exceed 10 uCi (370 kBq);
- c) Retain a record of the assays required by this Section for 5 years. To satisfy this requirement, the record shall contain:
  - 1) The generic name, trade name, or abbreviation of the radiopharmaceutical, its lot number and expiration date and the radionuclide;
  - 2) The patient's name and identification number if one has been assigned;
  - 3) The prescribed dosage and activity of the dosage at the time of assay, or a notation that the total activity is less than 10 uCi (370 kBq);
  - 4) The date and time of the assay;
  - 5) The date and time of administration of the radiopharmaceutical; and
  - 6) The initials of the individual who performed the assay.
- d) A report of any irregularities pertaining to identification, labeling, quality, or assay of any radiopharmaceutical received under the authority of this license shall be filed within ten (10) days of occurrence with the Department, Division of Radioactive Materials.

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## Section 335.2040 Authorization for Calibration and Reference Sources

Any person authorized by Section 335.30 for medical use of radioactive material may receive, possess and use the following radioactive material for check, calibration and reference use:

- a) Sealed sources manufactured and distributed by persons specifically licensed in accordance with 32 Ill. Adm. Code 330 or equivalent provisions of an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission and that do not exceed 15 mCi (555 MBq) each, except radioactive material with atomic number 83 or above shall not exceed 5 uCi (185 kBq) per source and the total of such sources shall not exceed 50 uCi (1.85 MBq). The licensee need not submit in license applications the information required by 32 Ill. Adm. Code 330.240(g)(1) provided that the licensee maintains a record for each sealed source possessed under this authorization. The record shall identify the source by manufacturer and model as indicated in an evaluation sheet filed in the U.S. Department of Health and Human Services' "Radioactive Material Reference Manual" or the U.S. Nuclear Regulatory Commission's "Registry of Radioactive Sealed Sources and Devices," published as of January 1, 1989, exclusive of subsequent amendments or editions;
- b) Any radioactive material with a half-life of 100 days or less in individual amounts not to exceed 15 mCi (555 MBq);
- c) Any radioactive material with a half life greater than 100 days in individual amounts not to exceed 200 uCi (7.4 MBq) each; and
- d) Technetium-99m in individual amounts not to exceed 50 mCi (1.85 gigabecquerels (GBq)).

## Section 335.2050 Requirements for Possession of Sealed Sources

- a) A licensee in possession of any sealed source shall post and follow the radiation safety and handling instructions supplied by the manufacturer or equivalent instructions approved by the Department for the duration of source use. If posting of the instructions is not practicable, the licensee may post a notice that describes where users may access the instructions.
- b) A licensee in possession of a sealed source shall assure that:
  - 1) The source is tested for leakage before its first use unless the licensee has a certificate from the supplier indicating that the source was tested within 6 months before transfer to the licensee; and

- 2) The source is tested for leakage at intervals not to exceed 6 months or at intervals approved by the Department, an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission. Sources designed to emit alpha particles are tested for leakage or contamination at intervals not to exceed 3 months.

c) To satisfy the leak test requirements of this Section, the licensee shall assure that:

- 1) Leak tests are capable of detecting the presence of 0.005 uCi (185 Bq) of radioactive material on the test sample, or in the case of radium, either the presence of 0.005 uCi (185 Bq) of radioactive material on the test sample or the escape of radon at the rate of 0.001 uCi (37 Bq) per 24 hours;
- 2) Test samples are taken from the source or from the surfaces of the device in which the source is mounted or stored on which radioactive contamination might be expected to accumulate;
- 3) For a sealed source contained in a device, test samples are obtained when the source is in the "off" position; and
- 4) Tests for both leakage and contamination are performed by persons specifically licensed by the Department, an Agreement State, a Licensing State, or the U.S. Nuclear Regulatory Commission to perform such services.

d) A licensee shall retain leak test records for 5 years. The records shall contain the model and serial number, if assigned, of each source tested, the identity of each source radionuclide and its estimated activity, the measured activity of each test sample expressed in uCi or Bq, a copy of the licensee's leak test procedures or a copy of a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license authorizing the person that performed the leak test to perform leak tests as a customer service, the date of the test and the signature of the Radiation Safety Officer.

e) If the leak test reveals the presence of 0.005 uCi (185 Bq) or more of removable contamination or in the case of radium, either the presence of 0.005 uCi (185 Bq) of radioactive material on the test sample or the escape of radon at the rate of 0.001 uCi (37 Bq) per 24 hours, the licensee shall:

- 1) Immediately withdraw the sealed source from use and store it in accordance with the requirements of 32 Ill. Adm. Code 340; and

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- 2) File a report, with the Department, within 5 days of receiving the leak test results. This report shall describe the equipment involved, the test results and the action taken.

f) A licensee need not perform a leak test on the following sources:

- 1) Sources containing only radioactive material with a half-life of less than 30 days;
- 2) Sources containing only radioactive material as a gas;
- 3) Sources containing 100 uCi (3.7 MBq) or less of beta or photon-emitting material or 10 uCi (370 kBq) or less of alpha-emitting material;
- 4) Seeds of iridium-192 encased in nylon ribbon; and
- 5) Sources, except teletherapy and brachytherapy sources, which are stored, not being used and identified as in storage. The licensee shall, however, test each such source for leakage before any use or transfer unless it has been tested for leakage within 6 months before the date of use or transfer.

AGENCY NOTE: The leak test exemptions in subsection (f) do not exempt the licensee from the physical inventory requirements of subsection (g).

- g) A licensee in possession of a sealed source shall conduct a physical inventory of all such sources at intervals not to exceed 3 months. The licensee shall retain each inventory record for 5 years. The inventory record shall include the radionuclide, assay activity, manufacturer, model and serial number or activity assay date, the location of the sealed source(s), date of the inventory, the signature of the person(s) who performed the inventory and the signature of the Radiation Safety Officer.

- h) A licensee in possession of a sealed source shall:

- 1) Survey, with a radiation survey instrument, all areas where such sources are stored. These surveys shall be performed at intervals not to exceed 3 months. This survey requirement does not apply to teletherapy sources in teletherapy units or sealed sources in diagnostic devices.

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- 2) Retain a record of each survey required in subsection (h)(1) for 5 years. The record must include the date of the survey, a sketch of each area that was surveyed, the measured dose rate at several points in each area expressed in mrem or uSv per hour, the model and serial number of the survey instrument used to make the survey, the signature of the person who performed the survey and the signature of the Radiation Safety Officer.

- i) A licensee shall submit to the Department, at intervals not to exceed 3 months, a record of all brachytherapy and teletherapy sources not being used and identified as in storage. This record shall include copies of the inventory records required by subsection (g) and the survey records required by subsection (h)(2).

Section 335.2060 Syringe Shields and Syringe Shield Labels

- a) A licensee shall keep, in a radiation shield, syringes that contain radioactive material to be administered.
- b) A licensee shall require each individual who prepares or administers radiopharmaceuticals to use a syringe radiation shield unless the use of the shield is contraindicated for that patient.

- c) Notwithstanding the provisions of 32 Ill. Adm. Code 340.2030(f)(1), (2) and (3), a licensee shall label each syringe, or syringe radiation shield that contains a syringe with a radiopharmaceutical, with either the radiopharmaceutical name or its abbreviation or the procedure to be performed or the patient's name.

Section 335.2070 Vial Shields and Vial Shield Labels

- a) A licensee shall require each individual preparing or handling a vial that contains a radiopharmaceutical to keep the vial in a vial radiation shield.

- b) Notwithstanding the provisions of 32 Ill. Adm. Code 340.2030(f)(1), (2) and (3), a licensee shall label each vial radiation shield that contains a vial of a radiopharmaceutical with the radiopharmaceutical name or its abbreviation.

Section 335.2080 Surveys for Contamination and Ambient Radiation Dose Rate

- a) At the end of each day of use, a licensee shall survey with a radiation detection survey instrument:
  - 1) all areas where liquid radiopharmaceuticals are prepared for use or administered more than twice on that day; and

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- 2) all areas where liquid radiopharmaceuticals with a half-life greater than 48 hours are prepared or administered.
- b) At least once each week, a licensee shall survey with a radiation detection survey instrument all areas where radiopharmaceuticals or radioactive wastes are stored.
- c) A licensee shall conduct the surveys required by subsections (a) and (b) in a manner that allows measurement of dose rates as low as 0.1 mrem (1 uSv) per hour.
- d) At least once each week, a licensee shall survey for removable contamination all areas where radiopharmaceuticals are routinely prepared for use, administered, or stored.
- e) A licensee shall conduct the surveys required by subsection (d) in a manner that permits detection of contamination on each wipe sample of 2000 disintegrations per minute (dpm) (33 Bq) per 100 cm<sup>2</sup> wiped.
- f) A licensee shall retain a record of each survey required by this Section for 5 years. The record must include the date of the survey, a sketch of each area surveyed, the measured dose rate at several points in each area expressed in mrem or uSv per hour or the removable contamination in each area expressed in dpm or Bq per 100 cm<sup>2</sup> wiped, the model and serial number of the instrument used to make the survey or analyze the samples and the signature of the individual who performed the survey.

#### Section 335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants

- a) The licensee shall provide safety instructions to any therapy patient administered 15 mCi (555 MBq) or more of iodine-131, or to the family or guardian of such patient. This information shall be provided orally or in writing.

AGENCY NOTE: This information must be sufficient to satisfy 32 Ill. Adm. Code 340.1050 because the patient is a source of radiation exposure to other members of the public.

- b) The licensee shall provide the safety instructions required by subsection (a) to patients who are not hospitalized for compliance with Section 335.2100.

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#### Section 335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants

A licensee shall admit any patient for administration of a permanent implant or 30 mCi (1.11 GBq) or more of a therapeutic radiopharmaceutical if the patient's dose rate at 1 meter is expected to exceed 5 mrem (50 uSv) per hour.

#### Section 335.2110 Discharge of Patients Being Treated with Therapeutic Doses of Radiopharmaceuticals or Permanent Implants

Patients administered a permanent implant or 30 mCi (1.11 GBq) or more of a therapeutic radiopharmaceutical may be discharged from the hospital only after all of the following conditions have been met:

- a) A physician, authorized to perform therapeutic procedures using radiopharmaceuticals, has authorized the discharge;
- b) The measured dose rate from the patient is less than either 5 mrem (50 uSv) per hour at a distance of 1 meter or the radioactive material remaining in the patient is calculated to be less than 30 mCi (1.11 GBq); and
- c) For any therapy patient whose measured dose rate at 1 meter is greater than 2 mrem (20 uSv) per hour, the licensee has provided instruction orally or in writing to the patient, or the family or guardian of the patient.

AGENCY NOTE: This information must be sufficient to satisfy 32 Ill. Adm. Code 340.1050 because the patient is a source of radiation exposure to other members of the public.

#### Section 335.2120 Mobile Nuclear Medicine Service Technical Requirements

A licensee providing mobile nuclear medicine service shall:

- a) Transport to each address of use only those syringes or vials containing prepared radiopharmaceuticals or radiopharmaceuticals that are intended for reconstitution of radiopharmaceutical kits;
- b) Bring into each location of use all radioactive material to be used and, before leaving, remove all unused radioactive material and associated radioactive waste;
- c) Secure or keep under constant surveillance and immediate control all radioactive material when in transit or at a location of use;

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- d) Check survey instruments and dose calibrators for proper function before medical use at each location of use, as required in Sections 335.2010(b)(1), (d), (e) and 335.2020(d);
- e) Carry a calibrated survey instrument in each vehicle that is being used to transport radioactive material, and, before leaving a client location of use, survey all areas of radiopharmaceutical use with a radiation detection survey instrument to ensure that all radiopharmaceuticals and all associated radioactive wastes have been removed; and
- f) Retain a record of each survey required by subsection (e) for 5 years. The record must include the date of the survey, a plan of each area that was surveyed, the measured dose rate at several points in each area of use expressed in mrem or uSv per hour, the model and serial number of the instrument used to make the survey and the signature of the individual who performed the survey.

## Section 335.2130 Storage of Volatiles and Gases

- a) A licensee shall store radioactive gases and volatile radiopharmaceuticals, including iodine as sodium iodide, in the shipper's radiation shield and container.
- b) A licensee shall store and use a multidose container in a properly functioning, ventilated device such as a glove box or fume hood.

## SUBPART D: Uptake, Dilution and Excretion

## Section 335.3010 Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies

A licensee may use any radioactive material in a radiopharmaceutical for a diagnostic use involving measurements of uptake, dilution, or excretion provided that the Food and Drug Administration (FDA) has either accepted an "Investigational New Drug Application" (IND) or approved a "New Drug Application" (NDA).

## SUBPART E: Imaging and Localization

## Section 335.4010 Use of Radiopharmaceuticals, Generators and Reagent Kits for Imaging and Localization Studies

- a) A licensee may use any radioactive material in a diagnostic radiopharmaceutical, or any generator, or any reagent kit for

preparation and diagnostic use of a radiopharmaceutical containing radioactive material provided that the Food and Drug Administration has either accepted an "Investigational New Drug Application" (IND) or approved a "New Drug Application" (NDA).

- b) A licensee shall elute generators in compliance with Section 335.4020.

## Section 335.4020 Permissible Molybdenum-99 Concentration

- a) A licensee shall not administer to humans a radiopharmaceutical containing more than 0.15 uCi of molybdenum-99 per mCi of technetium-99m, or more than 5.55 kBq of molybdenum-99 per 37 MBq of technetium-99m, or more than 5 uCi (185 kBq) of molybdenum-99 per administered dose at the time of administration.
- b) A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators shall measure the molybdenum-99 concentration in each eluate or extract.
- c) A licensee who is required to measure molybdenum concentration shall retain a record of each measurement for 5 years. The record shall include, for each elution or extraction of technetium-99m, the measured activity of the technetium expressed in mCi or MBq, the measured activity of the molybdenum expressed in uCi or kBq, the ratio of the measures expressed as uCi or kBq of molybdenum per mCi or MBq of technetium, the time and date of the test and the initials or signature of the individual who performed the test.

- d) A licensee shall report immediately to the Department each occurrence of molybdenum-99 concentration exceeding the limits specified in subsection (a).

## Section 335.4030 Control of Aerosols and Gases

- a) A licensee who administers radioactive aerosols or gases shall do so with a system that will keep airborne concentrations within the limits prescribed by 32 Ill. Adm. Code 340.1030 and 340.1060.
- b) The system shall either be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the aerosol or gas in a shielded container.
- c) A licensee shall administer radioactive gases only in rooms that are at negative pressure compared to surrounding rooms.

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- d) Before receiving, using, or storing a radioactive gas, the licensee shall calculate the amount of time needed after a release to reduce the concentration in the area of use to the occupational limit listed in 32 Ill. Adm. Code 340. Appendix A. The calculation shall be based on the highest activity of gas handled in a single container and the measured available air exhaust rate.
- e) A licensee shall, at the area of use, post the time calculated in accordance with subsection (d) and require that, in the event of a gas spill, individuals evacuate the room until the posted time has elapsed.
- f) In case of a spill, the licensee shall use a radiation detection survey instrument upon room re-entry to ensure air concentrations have returned to background levels.
- g) A licensee shall check the operation of reusable collection systems monthly and measure the ventilation rates available in areas of use at intervals not to exceed 6 months. The licensee shall maintain a record of these checks for 5 years. The record shall include the model and serial number of the collection system, results of all checks recommended by the manufacturer of the collection system, the date of the checks and the signature of the individual who performed the checks.
- h) A copy of the calculations required in subsection (d) shall be recorded and retained for 5 years from the date of the last use of the area.
- i) Contaminated charcoal trap filters shall be disposed of in accordance with 32 Ill. Adm. Code 340.

SUBPART F: Radiopharmaceuticals for Therapy

Section 335.5010 Use of Radiopharmaceuticals for Therapy

A licensee may use any radioactive material in a radiopharmaceutical for a therapeutic use provided that the Food and Drug Administration has either accepted an "Investigational New Drug Application" (IND) or approved a "New Drug Application" (NDA).

Section 335.5020 Safety Instruction

- a) A licensee shall instruct patients to whom therapeutic radiopharmaceuticals are administered, attendant hospital staff, other patients occupying the same room with a therapy patient and persons who enter a therapy patient's room in all applicable radiation safety precautions and procedures to be followed. Refresher training for attendant hospital staff shall be provided at intervals not to exceed 1 year.

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- b) To satisfy the requirements of subsection (a), the instruction shall describe the licensee's procedures for:
  - 1) Patient control;
  - 2) Visitor control;
  - 3) Contamination control;
  - 4) Waste control; and
  - 5) Notification of the Radiation Safety Officer or authorized user in case of the patient's death or medical emergency.
- c) A licensee shall keep for 5 years a list of the attendant hospital staff receiving instruction required by subsection (a), a description of the instruction, the date of instruction and the name of the individual who gave the instruction.

Section 335.5030 Safety Precautions for Radiopharmaceutical Therapy

- a) For any patient hospitalized for, or within 48 hours after receiving, treatment with a therapeutic radiopharmaceutical, the licensee shall:
  - 1) Perform radiation surveys required by 32 Ill. Adm. Code 340.2010 for use in determining when the licensee must supply appropriate personnel with personnel monitoring equipment as required by 32 Ill. Adm. Code 340.2020. Records of these surveys, indicating the date and time of the survey, a plan of the area or list of points surveyed, the measured dose rate, the model and serial number of the instrument used to make the survey and the initials of the individual who made the survey shall be maintained for 5 years. These radiation surveys shall include as a minimum, the dose rate in mrem or uSv per hour at:
    - A) The patient's bedside;
    - B) 1 meter from the patient;
    - C) The patient's hospital room door; and
    - D) The bedside of any other patient occupying the same or adjoining rooms as the therapy patient, if the dose rate exceeds 2 mrem (20 uSv) per hour at one meter. However, physical radiation surveys of adjoining rooms are not required if a calculation of the dose rate to a patient in

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the adjoining room is made based on measurements obtained pursuant to subsections (a)(1)(A) or (B).

- 2) Not permit any patient who is not receiving radiation therapy, but who is occupying the same or an adjoining room with a patient who is receiving radiation therapy, to receive a dose greater than 100 mrem (1 mSv) from radiation the therapy patient is emitting. The licensee shall verify compliance by performing radiation surveys or calculations based on surveys required by subsection (a)(1).
- 3) Provide each therapy patient's room with either a private or a semi-private sanitary facility.
- 4) Post the patient's door in accordance with 32 Ill. Adm. Code 340.2030(b). The posted sign shall indicate that pregnant women, or women who suspect that they are pregnant, shall contact the attendant staff for additional safety instructions or precautions. Also, a note shall appear on the door and on the patient's chart which states where and how long visitors may stay in the patient's room.
- 5) Authorize visits by individuals under age 18 only on a patient-by-patient basis with the approval of the radiation therapy physician after consultation with the Radiation Safety Officer.
- 6) Maintain and make available nursing instructions for the attendant nursing staff that list any restrictions and instructions that must be followed regarding the care of therapy patients.
- 7) Either monitor all items removed from the patient's room to determine that any contamination cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding other than a plastic or cloth bag, or handle all items removed from the patient's room as radioactive waste.
- 8) Advise attendant nursing staff to notify the Radiation Safety Officer or the radiation therapy physician immediately if the therapy patient dies or has a medical emergency.
- 9) Survey the patient's room and sanitary facility for removable contamination with a radiation detection survey instrument. The room shall not be re-assigned until removable contamination is less than 2000 dpm (120 kBq) per 100 cm<sup>2</sup>.

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- 10) Measure the thyroid burden of each individual who helped prepare or administer a dosage of iodine-131 within the interval of 12 hours to 3 days after administering the dosage. Retain, for the period required by 32 Ill. Adm. Code 340.4010(c)(1), a record that includes each thyroid burden measurement, the name of the individual whose thyroid burden was measured, the signature of the individual who made the measurements and either the thyroid burden in uCi (or Bq) or dose to the thyroid gland.
- b) The licensee shall implement the precautions required by subsections (a)(1), (2), (3), (4), (5), (6), (7) and (8) until all of the following conditions have been met:
  - 1) The measured dose rate at 1 meter from the therapy patient is less than 5 mrem (50 uSv) per hour.
  - 2) Radiation surveys of potentially contaminated items indicate no contamination.
  - 3) 48 hours have passed since the administration of a therapeutic radiopharmaceutical.
  - c) Records of surveys required by subsections (a)(7), (9) and (b)(1) shall include the survey date, the type of survey (i.e., room, item, patient, etc.), the radiation level detected, the model and serial number of the radiation detection survey instrument used and the signature of the individual who performed the survey.

## SUBPART G: Sealed Sources for Diagnosis

## Section 335.6010 Use of Sealed Sources for Diagnosis

A licensee shall use the following sealed sources in accordance with the manufacturer's radiation safety and handling instructions:

- a) Iodine-125 as a sealed source in a device for bone mineral analysis;
- b) Americium-241 as a sealed source in a device for bone mineral analysis;
- c) Gadolinium-153 as a sealed source in a device for bone mineral analysis; and
- d) Iodine-125 as a sealed source in a portable device for imaging.

## SUBPART H: Sealed Sources for Brachytherapy

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## Section 335.7010 Use of Sealed Sources for Brachytherapy

A licensee shall use the following sources in accordance with the manufacturer's radiation safety and handling instructions:

- a) Cesium-137 as a sealed source in needles and applicator cells for topical, interstitial and intracavitary treatment of cancer;
- b) Cobalt-60 as a sealed source in needles and applicator cells for topical, interstitial and intracavitary treatment of cancer;
- c) Gold-198 as a sealed source in seeds for interstitial treatment of cancer;
- d) Iodine-125 as a sealed source in seeds for interstitial treatment of cancer;
- e) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer;
- f) Palladium-103 as a sealed source in seeds for interstitial treatment of cancer;
- g) Radium-226 as a sealed source in needles or applicator cells for topical, interstitial and intracavitary treatment of cancer;
- h) Radon-222 as seeds for interstitial treatment of cancer; and
- i) Strontium-90 as a sealed source in an applicator for treatment of superficial eye conditions.

## Section 335.7020 Safety Instruction

- a) The licensee shall provide oral and written radiation safety instruction to all personnel prior to their assuming independent care (i.e., care provided when an authorized user or Radiation Safety Officer is not physically present) of a patient receiving implant therapy. Refresher training shall be provided at intervals not to exceed 1 year.
- b) To satisfy the requirements of subsection (a), the instruction shall describe:
  - 1) Size and appearance of the brachytherapy sources;
  - 2) Safe handling and shielding instructions in case of a dislodged source;

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- 3) Procedures for control of patients who are not receiving radiation therapy that establish compliance with 32 Ill. Adm. Code 340.1050;
  - 4) Procedures for control of visitors that establish compliance with 32 Ill. Adm. Code 340.1050; and
  - 5) Procedures for notification of the Radiation Safety Officer or authorized user if the patient dies or has a medical emergency.
- c) A licensee shall retain for 5 years a record of individuals receiving instruction required by subsection (a), a description of the instruction, the date of instruction and the signature of the individual who gave the instruction.

## Section 335.7030 Safety Precautions

A licensee shall, for each patient receiving implant therapy:

- a) Prohibit the placement of that patient in the same room with a patient who is not receiving radiation therapy unless the licensee demonstrates, by survey measurements or calculations, compliance with the requirement of 32 Ill. Adm. Code 340.1050(a) at a distance of one meter from the implant;
- b) Post the patient's door with a "Caution: Radioactive Materials" sign and note on the door or in the patient's chart where and how long visitors may stay in the patient's room. In addition, the posted sign shall indicate that pregnant women, or women who suspect that they are pregnant, shall contact the attendant staff for additional safety instructions or precautions;
- c) Authorize visits by individuals under age 18 only on a patient-by-patient basis with the approval of the authorized user after consultation with the Radiation Safety Officer;
- d) Within 1 hour after implanting the sources, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with 32 Ill. Adm. Code 340.1050(a), and retain for 5 years a record of each survey that includes the time and date of the survey, a sketch of the area or list of points surveyed, the measured dose rate at several points expressed in mrem or uSv per hour, the instrument used to make the survey and the signature of the individual who performed the survey;

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- e) Advise attendant nursing staff to notify the Radiation Safety Officer or the radiation therapy physician immediately if the patient dies or has a medical emergency;
- f) Include the following information in the patient's chart:
  - 1) The radionuclide administered, the number of sources implanted, the activity in mCi or GBq implanted and the time and date of administration;
  - 2) The exposure rate at 1 meter from the patient, the time the determination was made and the signature of the individual who made the determination;
  - 3) The radiation symbol; and
  - 4) Precautionary instructions to assure that the exposure of individuals does not exceed that permitted under 32 Ill. Adm. Code 340.1010.

## Section 335.7040 Accountability of Brachytherapy Sources

- a) A licensee shall make, and retain for 5 years from the date of use, a record of the use of brachytherapy sources. This record shall include:
  - 1) The names of the individuals permitted to handle the sources;
  - 2) The number and activity of sources removed from storage, the room number of use, the time and date they were removed from storage, the number and activity of the sources in storage after the removal and the signature of the individual who removed the sources from storage; and
  - 3) The number and activity of sources returned to storage, the room number of use, the time and date they were returned to storage, the number and activity of sources in storage after the return and the signature of the individual who returned the sources to storage.
- b) Immediately after implanting sources in a patient and immediately after removal of sources from a patient the licensee shall make a radiation survey of the patient and the area of use to confirm that no sources have been misplaced.

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- c) Each time brachytherapy sources are returned to an area of storage from an area of use, the licensee shall immediately count the number returned to ensure that all sources taken from the storage area have been returned. If all sources are not accounted for, the licensee shall notify the Radiation Safety Officer and a search for the sources shall be started immediately.
- d) A licensee shall make and retain a record of the surveys required by subsection (b) for 5 years. Each record must include the date of the survey, the name of the patient, the dose rate expressed as mrem or uSv per hour as measured at 1 meter from the patient, the model and serial number of the radiation survey instrument used and the signature of the individual who performed the survey.

## Section 335.7050 Discharge of Patients Treated With Temporary Implants

Immediately after removing the last temporary implant source from a patient, the licensee shall make a radiation survey of the patient with a radiation detection survey instrument to confirm that all sources have been removed. The licensee shall not authorize discharge of a patient treated by temporary implant until all sources have been removed and surveys have been completed.

## SUBPART I: Teletherapy

## Section 335.8010 Use of a Sealed Source in a Teletherapy Unit

- a) A licensee shall use cobalt-60 or cesium-137 as a sealed source in a teletherapy unit for medical use in accordance with the manufacturer's radiation safety and operating instructions.
- b) Teletherapy sources shall be tested for leakage and contamination in accordance with Sections 335.2050(b), (c), (d), (e) and (f). Tests of leakage may be made by wiping accessible surfaces of the housing port or collimator while the source is in the "off" position and measuring these wipes for transferred contamination.

## Section 335.8020 Maintenance and Repair Restrictions

Only a person specifically licensed by the Department, an Agreement State, or the U.S. Nuclear Regulatory Commission to perform teletherapy unit maintenance and repair shall install, relocate, or remove a teletherapy sealed source or a teletherapy unit that contains a sealed source or maintain, adjust, or repair the source drawer, the shutter, or other mechanism of a teletherapy unit that could expose the source, reduce the shielding around the source, or result in increased radiation levels.

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Section 335.8030 Amendments to Teletherapy Licenses

In addition to the requirements specified in Section 335.40, a licensee shall apply for and shall receive a license amendment before:

- Making any change in the treatment room shielding;
- Making any change in the location of the teletherapy unit within the treatment room;
- Using the teletherapy unit in a manner that could result in increased radiation levels in areas outside the teletherapy treatment room;
- Relocating the teletherapy unit; or
- Allowing an individual not listed on the licensee's license to perform the duties of the teletherapy physicist. If the Radiation Safety Officer or teletherapy physicist named on the license is no longer performing his duties, the Radiation Safety Committee may have the duties performed by an individual who meets the training criteria listed in Section 335.9010 or 335.9150 for up to 90 days while an amendment is being obtained.

Section 335.8040 Safety Instructions for Teletherapy

- A licensee shall post instructions at the teletherapy unit console. To satisfy this requirement, these instructions shall inform the operator of:
  - The procedure to be followed to ensure that only the patient is in the treatment room before turning on the primary beam of radiation to begin a treatment or after a door interlock interruption;
  - The procedure to be followed if the operator is unable to turn off the primary beam of radiation with controls outside the treatment room or any other abnormal operation occurs; and
  - The names and telephone numbers of the authorized users and Radiation Safety Officer who are to be contacted immediately if the teletherapy unit or console operates abnormally.
- A licensee shall provide instruction in the topics identified in subsection (a) to all individuals prior to their independent operation of a teletherapy unit and shall provide refresher training to such individuals at intervals not to exceed 1 year.

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- A licensee shall retain for 5 years a record of individuals receiving instruction required by subsection (b), a description of the instruction, the date of instruction and the signature of the individual who gave the instruction.

Section 335.8050 Doors, Interlocks and Safety Related Systems

- A licensee shall control access to the teletherapy room by a door at each entrance.
- A licensee shall equip each entrance to the teletherapy room with an electrical interlock system that shall:
  - Prevent the operator from turning on the primary beam of radiation unless each treatment room entrance door is closed;
  - Turn off the primary beam of radiation immediately when an entrance door is opened; and
  - Prevent the primary beam of radiation from being turned on following an interlock interruption until all treatment room entrance doors are closed and the beam on-off control is reset at the console.
- A licensee shall equip each entrance to the teletherapy room with a light that indicates the beam condition.
- A licensee shall lock the control console in the "off" position if any door interlock malfunctions. The licensee shall not permit the unit to be used until the interlock system is repaired, unless specifically authorized by the Department.
- A licensee shall cease treatment of patients with any teletherapy unit if a safety related system of the teletherapy unit (e.g., source drive mechanisms, treatment timing systems or safety interlocks) is found inoperative. The licensee shall report to the Department any malfunction that requires the termination of patient treatment for more than 24 hours and shall submit to the Department, within 7 days, a written report of the incident and corrective actions taken.

Section 335.8060 Radiation Monitoring Device for Teletherapy

- A licensee shall have in each teletherapy room a permanent radiation monitor capable of continuously monitoring the status of the beam.

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- b) Each radiation monitor shall be capable of providing visible indication of a teletherapy unit malfunction that results in an exposed or partially exposed source. The visible indicator of high radiation levels must be observable by an individual entering the teletherapy room.
- c) Each radiation monitor shall be equipped with an auxiliary power supply separate from the power supply to the teletherapy unit. This auxiliary power supply may be a battery system.
- d) The radiation monitor must be checked with a dedicated check source for proper operation each day before the teletherapy unit is used for treatment of patients.
- e) A licensee shall maintain a record of the check required by subsection (d) for 5 years. The record shall include the date of the check, notation that the monitor indicates when the source is exposed and the initials of the individual who performed the check.
- f) If the radiation monitor is inoperable, the licensee shall require any individual entering the teletherapy room to use either a survey instrument or a personal dosimeter with an audible alarm to monitor for any malfunction of the source exposure mechanism that may result in an exposed or partially exposed source. The instrument or dosimeter shall be checked with a dedicated check source for proper operation at the beginning of each day of use. The licensee shall keep a record as described in subsection (e).
- g) If the radiation monitor is inoperable, the licensee shall take action, within 24 hours, to repair or replace the radiation monitor. At a minimum, such action shall include the scheduling for the repair or replacement of the inoperable monitor.

## Section 335.8070 Viewing System for Teletherapy

A licensee shall construct or equip each teletherapy room to permit continuous observation of the patient from the teletherapy unit console during irradiation.

## Section 335.8080 Teletherapy Dosimetry Equipment

- a) A licensee shall have a calibrated dosimetry system available for use. To satisfy this requirement, one of the following two conditions shall be met:

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- 1) The system shall have been calibrated by the National Bureau of Standards, by the National Institute of Standards and Technology, or by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM). The calibration shall have been performed within the previous 2 years and after any servicing that may have affected system calibration; or
- 2) The system shall have been calibrated within the previous 4 years; 18 to 30 months after that calibration, the system shall have been compared with another dosimetry system that was calibrated within the past 24 months by the National Bureau of Standards, by the National Institute of Standards and Technology, or by a calibration laboratory accredited by the AAPM. The comparison shall be performed at a meeting sanctioned by a calibration laboratory or radiologic physics center accredited by the AAPM. The results of the comparison meeting must have indicated that the calibration factor of the licensee's system had not changed by more than 2 percent. The licensee shall not use the comparison result to change the calibration factor. When comparing dosimetry systems to be used for calibrating cobalt-60 teletherapy units, the licensee shall use a teletherapy unit with a cobalt-60 source. When comparing dosimetry systems to be used for calibrating cesium-137 teletherapy units, the licensee shall use a teletherapy unit with a cesium-137 source.
- b) The licensee shall have available for use a calibrated dosimetry system for spot-check measurements. To meet this requirement, the system may be compared with a system that has been calibrated in accordance with subsection (a). This comparison shall have been performed within the previous year and after each servicing that may have affected calibration of the calibrated system.
- c) The licensee shall retain a record of each calibration and comparison for the duration of the license. For each calibration, or comparison, the record shall include the date, the model and serial numbers of the instruments that were calibrated, or compared as required by subsections (a) and (b), the correction factors that were deduced, the names of the individuals who performed the calibration, or comparison, and evidence that the comparison meeting was sanctioned by a calibration laboratory or radiologic physics center accredited by AAPM.

## Section 335.8090 Full Calibration Measurements for Teletherapy

- a) A licensee authorized to use a teletherapy unit for medical use shall perform full calibration measurements, as described in subsection (b), on each teletherapy unit:

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- 1) Before the first medical use of the unit; and
- 2) Before medical use under the following conditions:
  - A) Whenever spot-check measurements indicate that the output differs by more than 5 percent from the output obtained at the last full calibration, corrected mathematically for radioactive decay;
  - B) Following replacement of the source or following reinstallation of the teletherapy unit in a new location;
  - C) Following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and
- 3) At intervals not exceeding 1 year.
- b) To satisfy the requirement of subsection (a), full calibration measurements shall include determination of:
  - 1) The output, within 3 percent, for the range of field sizes and for the distance or range of distances used for medical use;
  - 2) The coincidence of the radiation field and the field indicated by the light beam localizing device;
  - 3) The uniformity of the radiation field and its dependence on the orientation of the useful beam;
  - 4) Timer constancy and linearity over the range of use;
  - 5) On-off error; and
  - 6) The accuracy of all distance measuring and localization devices in medical use.
- c) A licensee shall use the dosimetry system described in Section 335.8080 to measure the output for one set of exposure conditions. The remaining radiation measurements required in subsection (b)(1) may then be made using a dosimetry system that indicates relative dose rates.

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- d) A licensee shall make full calibration measurements required by subsection (a) in accordance with either the procedures recommended by the Scientific Committee on Radiation Dosimetry of the American Association of Physicists in Medicine that are described in "Physics in Medicine and Biology" (Vol. 16, No. 3, 1971, pp. 379-396), exclusive of any subsequent amendments or editions, or by Task Group 21 of the Radiation Therapy Committee of the American Association of Physicists in Medicine that are described in "Medical Physics" (Vol. 10, No. 6, 1983, pp. 741-771 and Vol. 11, No. 2, 1984, p. 213), exclusive of any subsequent amendments or editions.
- AGENCY NOTE: Copies of these documents are available for review at the Department.
- e) A licensee shall mathematically correct for physical decay the outputs determined in subsection (b)(1). These corrections shall be for intervals not exceeding one month for cobalt-60 and intervals not exceeding 6 months for cesium-137.
  - f) Full calibration measurements required by subsection (a) and physical decay corrections required by subsection (e) shall be performed by a teletherapy physicist.
  - g) A licensee shall retain a record of each calibration for the duration of the license. The record shall include the date of the calibration, the manufacturer's name, model and serial numbers for both the teletherapy unit and the source, the model and serial numbers of the instruments used to calibrate the teletherapy unit, tables that describe the output of the unit over the range of field sizes and for the range of distances used in radiation therapy, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, an assessment of timer constancy and linearity, the calculated on-off error, the determined accuracy of each distance measuring or localization device and the signature of the teletherapy physicist.

Section 335.8100 Periodic Spot-Checks for Teletherapy

- a) A licensee authorized to use teletherapy units for medical use shall perform spot-checks on each teletherapy unit at intervals not to exceed one month.
- b) To satisfy the requirement of subsection (a), spot-checks shall include the taking of measurements that permit the determination of:
  - 1) Timer constancy and linearity over the range of use;

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- 2) On-off error;
  - 3) The coincidence of the radiation field and the field indicated by the light beam localization device;
  - 4) The accuracy of all distance measuring and localization devices used for medical use;
  - 5) The output for one typical set of operating conditions; and
  - 6) The difference between the measurement made in subsection (b)(5) and the anticipated output, expressed as a percentage of the anticipated value obtained at last full calibration corrected mathematically for physical decay.
- c) A licensee shall use the dosimetry system described in Section 335.8080 to make the measurement required in subsection (b)(5) above.
- d) A licensee shall perform measurements required by subsection (a) in accordance with procedures established by the teletherapy physicist. The teletherapy physicist does not need to actually perform the spot-check measurements.
- e) A licensee shall have the teletherapy physicist review the results of each spot-check within 15 days. The teletherapy physicist shall, within 15 days, notify the licensee in writing of the results of each spot-check. The licensee shall keep a copy of each written notification for 5 years.
- f) A licensee authorized to use a teletherapy unit for medical use shall perform safety spot-checks of each teletherapy facility at intervals not to exceed 1 month. To satisfy this requirement, checks shall assure proper operation of:

- 1) Electrical interlocks at each teletherapy room entrance;
- 2) Electrical or mechanical stops installed for the purpose of limiting use of the primary beam of radiation (such as restriction of source housing angulation or elevation, carriage or stand travel and operation of the beam on-off mechanism);
- 3) Beam condition indicator lights on the teletherapy unit, on the control console and in the facility;
- 4) Viewing systems;

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- 5) Treatment room doors from inside and outside the treatment room; and
  - 6) Electrically assisted treatment room doors with the teletherapy unit electrical power turned "off".
- g) A licensee shall repair or replace any system identified in subsection (f) that is not operating properly.
- h) A licensee shall retain a record of each spot-check required by subsections (a) and (f) for 5 years. The record shall include the date of the spot-check, the model and serial number for both the teletherapy unit and source, the model and serial number of the instrument used to measure the output of the teletherapy unit, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, an assessment of timer constancy and linearity, the calculated on-off error, the determined accuracy of each distance measuring or localization device, the difference between the anticipated output and the measured output, notations indicating the operability of each entrance door electrical interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system and doors and the signature of the individual who performed the periodic spot-check.

## Section 335.8110 Radiation Surveys for Teletherapy Facilities

- a) Before medical use, after each installation of a teletherapy source and after making any change for which an amendment is required by Section 335.8030(a), (b), (c), or (d), the licensee shall perform radiation surveys with an operable radiation measurement survey instrument calibrated in accordance with Section 335.2020 to verify that:
- 1) The maximum radiation level at 1 meter from the teletherapy source with the source in the off position and the collimators set for a normal treatment field does not exceed 10 mrem (100 uSv) per hour and the average radiation level for the same measurement conditions does not exceed 2 mrem (20 uSv) per hour; and
  - 2) With the teletherapy source in the on position, with the largest clinically available treatment field and with a scattering phantom in the primary beam of radiation, that:
    - A) Radiation levels in restricted areas will not cause personnel exposures in excess of the limits specified in 32 Ill. Adm. Code 340.1010; and

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- B) Radiation levels in unrestricted areas do not exceed the limits specified in 32 Ill. Adm. Code 340.1050(a).

b) If the results of the surveys required in subsection (a) indicate any radiation levels in excess of the respective limit specified in that subsection, the licensee shall lock the control in the off position and not use the unit except as may be necessary to repair, replace, or test the teletherapy unit, the teletherapy unit shielding, or the treatment room shielding. The licensee may reinstate medical use of the unit when measurements indicate the requirements of subsection (a) have been met.

c) A licensee shall retain a record of the radiation measurements made following installation of a source for the duration of the license. The record shall include the date of the measurements, the reason the survey is performed, the manufacturer's name, model and serial number of the teletherapy unit, the source and the instrument used to measure radiation levels, each dose rate measured around the teletherapy source while in the off position and the average of all measurements, a plan of the areas surrounding the treatment room that were surveyed, the measured dose rate at several points in each area expressed in mrem or uSv per hour, the calculated maximum level of radiation over a period of 1 week for each restricted and unrestricted area and the signature of the Radiation Safety Officer or teletherapy physicist.

## Section 335.8120 Safety Checks for Teletherapy Facilities

- a) A licensee shall check all systems specified in Section 335.8100 for proper function after each installation of a teletherapy source and after making any change for which an amendment is required by Section 335.8030(b), (c), or (d). Such check shall be completed before any patient is treated.
- b) If the results of the checks required in subsection (a) indicate the malfunction of any system specified in Section 335.8100, the licensee shall lock the control console in the "off" position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- c) A licensee shall retain, for 5 years, a record of the facility checks following installation of a source. The record shall include notations indicating the operability of each entrance door interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system, and doors and the signature of the Radiation Safety Officer or teletherapy physicist.

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## Section 335.8130 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program

If the survey required by Section 335.8110(a)(2)(B) indicates that an individual in an unrestricted area may be exposed to levels of radiation greater than those permitted by 32 Ill. Adm. Code 340.1050(a), before beginning the treatment program the licensee shall either:

- a) Undertake the following:

- 1) Either equip the unit with stops or add additional radiation shielding to ensure compliance with 32 Ill. Adm. Code 340.1050(a);
- 2) Perform the surveys required by Section 335.8110 again; and
- 3) Include in the report required by Section 335.8140 the results of the initial survey, a description of the modification made to comply with subsection (a)(1) and the results of the second survey; or
- b) Request and receive a license amendment under 32 Ill. Adm. Code 340.1050(b) that authorizes radiation levels in unrestricted areas greater than those permitted by 32 Ill. Adm. Code 340.1050(a).

## Section 335.8140 Reports of Teletherapy Surveys, Checks, Tests and Measurements

A licensee shall submit a copy of the records required in Sections 335.8110, 335.8120, 335.8130 and the output from the teletherapy source within 30 days following completion of the action that caused a record to be required. The output shall be expressed as roentgens, coulombs/kilogram, rads or grays per hour, at either one meter or the usual treatment distance from the source and determined during the full calibration required by Section 335.8090. The record shall be sent to the Department of Nuclear Safety, Office of Radiation Safety, 1035 Outer Park Drive, Springfield, IL 62704.

## Section 335.8150 Five-Year Teletherapy Inspection

- a) A licensee shall have each teletherapy unit fully inspected and serviced during teletherapy source replacement or at intervals not to exceed 5 years, whichever comes first, to assure proper functioning of the source exposure mechanism.

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- b) This inspection and servicing shall only be performed by persons specifically licensed to do so by the Department, an Agreement State, or the U.S. Nuclear Regulatory Commission.
- c) A licensee shall keep a record of the inspection and servicing for the duration of the license. The record shall contain the inspector's name, the inspector's license number, the date of inspection, the manufacturer's name and model and serial number for both the teletherapy unit and source, a list of components inspected, a list of components serviced and the type of service, a list of components replaced and the signature of the inspector.

SUBPART J: Training and Experience Requirements

Section 335.9010 Radiation Safety Officer

Except as provided in Section 335.9020, an individual fulfilling the responsibilities of the Radiation Safety Officer as provided in Section 335.1020 shall:

a) Be certified by either:

- 1) American Board of Health Physics in Comprehensive Health Physics; or
- 2) American Board of Radiology in Radiological Physics, Therapeutic Radiological Physics, or Medical Nuclear Physics; or
- 3) American Board of Nuclear Medicine; or
- 4) American Board of Science in Nuclear Medicine; or
- 5) Board of Pharmaceutical Specialties in Nuclear Pharmacy or Science; or

- b) Hold a master's degree or doctorate degree in physics, biophysics, radiological sciences, radiological physics, or health physics and have 6 months of full time work experience under the supervision of a radiation safety officer at a medical institution; or

c) Have had:

- 1) 200 hours of classroom and laboratory training as follows:
  - A) Radiation physics and instrumentation;

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- B) Radiation protection;
- C) Mathematics pertaining to the use and measurement of radioactivity;
- D) Radiation biology;
- E) Radiopharmaceutical chemistry; and
- 2) 1 year of full time experience in radiation safety at a medical institution under the supervision of the individual identified as the Radiation Safety Officer on a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license that authorizes the medical use of radioactive material; or

- d) Be an authorized user for those radioactive material uses that come within the Radiation Safety Officer's responsibilities.

Section 335.9020 Training for Experienced Radiation Safety Officer

An individual identified as a Radiation Safety Officer on a Department, Agreement State, Licensing State, or U.S. Nuclear Regulatory Commission license on the effective date of this Part who oversees only the use of radioactive material for which the licensee was authorized on that date need not comply with the training requirements of Section 335.9010.

Section 335.9030 Training for Uptake, Dilution, or Excretion Studies

Except as provided in Section 335.9160 or 335.9170, a licensee shall require the authorized user of a radiopharmaceutical specified in Section 335.3010 to be a physician who:

a) Is certified in:

- 1) Nuclear medicine by the American Board of Nuclear Medicine; or
- 2) Nuclear medicine by the American Board of Osteopathic Nuclear Medicine; or
- 3) Diagnostic radiology by the American Board of Radiology; or
- 4) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or

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b) Has completed 40 hours of instruction in basic radionuclide handling techniques applicable to the use of prepared radiopharmaceuticals, and 20 hours of supervised clinical experience.

1) To satisfy the basic instruction requirement, 40 hours of classroom and laboratory instruction shall include:

- A) Radiation physics and instrumentation;
- B) Radiation protection;
- C) Mathematics pertaining to the use and measurement of radioactivity;
- D) Radiation biology; and
- E) Radiopharmaceutical chemistry.

2) To satisfy the requirement for 20 hours of supervised clinical experience, training must be under the supervision of an authorized user at a medical institution and shall include:

- A) Examining patients and reviewing their case histories to determine their suitability for radionuclide diagnosis, limitations, or contraindications;
- B) Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;
- C) Administering dosages to patients and using syringe radiation shields;
- D) Collaborating with the authorized user in the interpretation of radionuclide test results; and
- E) Patient follow-up; or

c) Has successfully completed a 6 month training program in nuclear medicine as part of a training program that has been approved by the Accreditation Council for Graduate Medical Education and that included classroom and laboratory training, work experience and supervised clinical experience in all the topics identified in subsection (b).

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Section 335.9040 Training for Imaging and Localization Studies

Except as provided in Section 335.9160 or 335.9170, a licensee shall require the authorized user of a radiopharmaceutical, generator, or reagent kit specified in Section 335.4010 to be a physician who:

a) Is certified in:

- 1) Nuclear medicine by the American Board of Nuclear Medicine; or
- 2) Nuclear medicine by the American Board of Osteopathic Nuclear Medicine; or
- 3) Diagnostic radiology by the American Board of Radiology; or
- 4) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or

b) Has completed 200 hours of instruction in basic radionuclide handling techniques applicable to the use of prepared radiopharmaceuticals, generators, and reagent kits, 500 hours of supervised work experience and 500 hours of supervised clinical experience.

1) To satisfy the basic instruction requirement, 200 hours of classroom and laboratory training shall include:

- A) Radiation physics and instrumentation;
- B) Radiation protection;
- C) Mathematics pertaining to the use and measurement of radioactivity;
- D) Radiopharmaceutical chemistry; and
- E) Radiation biology.

2) To satisfy the requirement for 500 hours of supervised work experience, training shall be under the supervision of an authorized user at a medical institution and shall include:

- A) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation surveys;
- B) Calibrating dose calibrators and diagnostic instruments and performing checks for proper operation of survey instruments;

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- C) Calculating and safely preparing patient dosages;
  - D) Using administrative controls to prevent the misadministration of radioactive material;
  - E) Using emergency procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - F) Eluting technetium-99m from generator systems, assaying and testing the eluate for molybdenum-99 and alumina contamination and processing the eluate with reagent kits to prepare technetium-99m labeled radiopharmaceuticals.
- 3) To satisfy the requirement for 500 hours of supervised clinical experience, training shall be under the supervision of an authorized user at a medical institution and shall include:
- A) Examining patients and reviewing their case histories to determine their suitability for radionuclide diagnosis, limitations, or contraindications;
  - B) Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;
  - C) Administering dosages to patients and using syringe radiation shields;
  - D) Collaborating with the authorized user in the interpretation of radionuclide test results; and
  - E) Patient follow-up; or

- c) Has successfully completed a 6 month training program in nuclear medicine that has been approved by the Accreditation Council for Graduate Medical Education and that included classroom and laboratory training, work experience and supervised clinical experience in all the topics identified in subsection (b).

## Section 335.9050 Training for Therapeutic Use of Radiopharmaceuticals

## Section 335.9060 Training for Treatment of Hyperthyroidism

Except as provided in Section 335.9160, the licensee shall require the authorized user of only iodine-131 for the treatment of hyperthyroidism to be a physician with experience in the diagnosis and treatment of thyroid disease, who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of iodine-131 for treatment of hyperthyroidism, and supervised clinical experience as follows:

- a) 80 hours of classroom and laboratory training that includes:
  - 1) Radiation physics and instrumentation;

- a) Is certified by:

- 1) The American Board of Nuclear Medicine; or
- 2) The American Board of Radiology in radiology, therapeutic radiology, or radiation oncology; or
- b) Has completed 80 hours of instruction in basic radionuclide handling techniques applicable to the use of therapeutic radiopharmaceuticals, and has had supervised clinical experience.

- 1) To satisfy the requirement for instruction, 80 hours of classroom and laboratory training shall include:
  - A) Radiation physics and instrumentation;
  - B) Radiation protection;
  - C) Mathematics pertaining to the use and measurement of radioactivity; and
  - D) Radiation biology;
- 2) To satisfy the requirement for supervised clinical experience, training shall be under the supervision of an authorized user at a medical institution and shall include:
  - A) Use of iodine-131 for diagnosis of thyroid function and the treatment of hyperthyroidism or cardiac dysfunction in ten individuals; and
  - B) Use of iodine-131 for treatment of thyroid carcinoma in three individuals.

Except as provided in Section 335.9160, a licensee shall require the authorized user of a radiopharmaceutical specified in Section 335.5010 for therapy to be a physician who:

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- 2) Radiation protection;
- 3) Mathematics pertaining to the use and measurement of radioactivity;
- 4) Radiation biology; and
- b) Supervised clinical experience under the supervision of an authorized user that includes the use of iodine-131 for diagnosis of thyroid function, and the treatment of hyperthyroidism in 10 individuals.

## Section 335.9070 Training for Treatment of Thyroid Carcinoma

Except as provided in Section 335.9160, the licensee shall require the authorized user of only iodine-131 for the treatment of thyroid carcinoma to be a physician, with experience in the diagnosis and treatment of thyroid disease, who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of iodine-131 for treatment of thyroid carcinoma, and supervised clinical experience as follows:

- a) 80 hours of classroom and laboratory training that includes:
  - 1) Radiation physics and instrumentation;
  - 2) Radiation protection;
  - 3) Mathematics pertaining to the use and measurement of radioactivity;
  - 4) Radiation biology; and

- b) Supervised clinical experience under the supervision of an authorized user that includes the use of iodine-131 for the treatment of thyroid carcinoma in 3 individuals.

## Section 335.9080 Training for Therapeutic Use of Soluble Phosphorus-32

Except as provided in Section 335.9160, the licensee shall require the authorized user of only soluble phosphorus-32 for therapy to be a physician who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of soluble phosphorus-32 for therapy and supervised clinical experience as follows:

- a) 80 hours of classroom and laboratory training that includes:
  - 1) Radiation physics and instrumentation;

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- 2) Radiation protection;
- 3) Mathematics pertaining to the use and measurement of radioactivity;
- 4) Radiation biology; and
- b) Use of soluble phosphorus-32 for therapy, such as the treatment of ascites, polycythemia vera, leukemia, or bone metastasis, in 3 individuals.

## Section 335.9090 Training for Therapeutic Use of Colloidal Chromic Phosphate-32 or Gold-198

Except as provided in Section 335.9160, the licensee shall require the authorized user of only colloidal chromic phosphate-32 or of colloidal gold-198 for therapy to be a physician who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of colloidal chromic phosphate-32 or of colloidal gold-198 for therapy and supervised clinical experience as follows:

- a) 80 hours of classroom and laboratory training that includes:
  - 1) Radiation physics and instrumentation;
  - 2) Radiation protection;
  - 3) Mathematics pertaining to the use and measurement of radioactivity;
  - 4) Radiation biology; and
- b) Use of colloidal chromic phosphate-32 or of colloidal gold-198 for therapy, such as intracavitary treatment of malignant effusions, in 3 individuals.

## Section 335.9100 Training for Use of Sources for Brachytherapy

Except as provided in Section 335.9160, the licensee shall require the authorized user using a source specified in Section 335.7010 for brachytherapy to be a physician who:

- a) Is certified in:
  - 1) Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; or

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- 2) Radiation oncology by the American Osteopathic Board of Radiology; or
  - 3) Radiology, with a specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or
  - 4) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or
- b) Is in the practice of therapeutic radiology, has completed 200 hours of instruction in basic radionuclide handling techniques applicable to the therapeutic use of brachytherapy sources and 500 hours of supervised work experience and a minimum of 3 years of supervised clinical experience.
- 1) To satisfy the requirement for instruction, 200 hours of classroom and laboratory training shall include:
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity; and
    - D) Radiation biology.
  - 2) To satisfy the requirement for 500 hours of supervised work experience, training shall be under the supervision of an authorized user at an institution and shall include:
    - A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
    - B) Performing checks for proper operations of survey instruments;
    - C) Preparing, implanting, and removing sealed sources;
    - D) Maintaining inventories and accountability of radioactive material possessed;
    - E) Using administrative controls to prevent the misadministration of radioactive material; and

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- F) Using emergency procedures to control radioactive material.
- 3) To satisfy the requirement for a period of supervised clinical experience, training shall include 1 year in a training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association, and an additional 2 years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:
    - A) Examining individuals and reviewing their case histories to determine their suitability for brachytherapy treatment, and any limitations or contraindications;
    - B) Selecting the proper brachytherapy sources, dose and method of administration;
    - C) Calculating the dose; and
    - D) Post-administration follow-up and review of case histories in collaboration with an authorized user.
- Section 335.9120 Training for Ophthalmic Use of Strontium-90
- Except as provided in Section 335.9160, the licensee shall require the authorized user using only strontium-90 for ophthalmic radiation therapy to be a physician who:
- a) Is certified in radiology or therapeutic radiology by the American Board of Radiology; or
  - b) Is in the practice of therapeutic radiology or ophthalmology, and has completed 24 hours of instruction in basic radionuclide handling techniques applicable to the use of strontium-90 for ophthalmic radiation therapy and supervised clinical training in ophthalmic radiation therapy.
- 1) To satisfy the requirement for instruction, the classroom and laboratory training shall include:
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;

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- C) Mathematics pertaining to the use and measurement of radioactivity; and

- D) Radiation biology.

- 2) To satisfy the requirement for supervised clinical training in ophthalmic radiation therapy, training must be under the supervision of an authorized user at a medical institution and must include the use of strontium-90 for the ophthalmic treatment of 5 individuals that includes:

- A) Examination of each individual to be treated;
- B) Calculation of the dose to be administered;
- C) Administration of the dose; and
- D) Follow-up and review of each individual's case history.

#### Section 335.9130 Training for Use of Sealed Sources for Diagnosis

Except as provided in Section 335.9160, the licensee shall require the authorized user using a sealed source in a device specified in Section 335.6010 to be a physician, dentist, or podiatrist who:

- a) Is certified in:

- 1) Radiology, diagnostic radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; or
  - 2) Nuclear medicine by the American Board of Nuclear Medicine; or
  - 3) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or
- b) Has completed 8 hours of instruction in basic radionuclide handling techniques specifically applicable to the use of the device. To satisfy the requirement for instruction, the training shall include:

- 1) Radiation physics, mathematics pertaining to the use and measurement of radioactivity and instrumentation;
- 2) Radiation biology; and
- 3) Radiation protection and training in the use of the device for the purposes authorized by the license.

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#### Section 335.9140 Training for Teletherapy

Except as provided in Section 335.9160, the licensee shall require the authorized user of a sealed source specified in Section 335.8010 in a teletherapy unit to be a physician who:

- a) Is certified in:

- 1) Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; or
  - 2) Radiation oncology by the American Osteopathic Board of Radiology; or
  - 3) Radiology, with specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or
  - 4) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or
- b) Is in the practice of therapeutic radiology, and has completed 200 hours of instruction in basic radionuclide techniques applicable to the use of a sealed source in a teletherapy unit, 500 hours of supervised work experience and a minimum of 3 years of supervised clinical experience.

- 1) To satisfy the requirement for instruction, the classroom and laboratory training shall include:

- A) Radiation physics and instrumentation;
- B) Radiation protection;
- C) Mathematics pertaining to the use and measurement of radioactivity; and
- D) Radiation biology.

- 2) To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user at an institution and shall include:

- A) Review of the full calibration measurements and periodic spot checks;

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- B) Preparing treatment plans and calculating treatment times;
- C) Using administrative controls to prevent misadministrations;
- D) Implementing emergency procedures to be followed in the event of the abnormal operation of a teletherapy unit or console; and
- E) Performing checks for proper operation of survey instruments.

3) To satisfy the requirement for a period of supervised clinical experience, training shall include 1 year in a training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association and an additional 2 years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:

- A) Examining individuals and reviewing their case histories to determine their suitability for teletherapy treatment, and any limitations or contraindications;
- B) Selecting the proper dose and how it is to be administered;
- C) Calculating the teletherapy doses and collaborating with the authorized user in the review of patients' progress and consideration of the need to modify originally prescribed doses as warranted by patients' reaction to radiation; and
- D) Post-administration follow-up and review of case histories.

## Section 335.9150 Training for Teletherapy Physicist

The licensee shall require the teletherapy physicist to:

- a) Be certified by the American Board of Radiology in:
  - 1) Therapeutic radiological physics; or
  - 2) Roentgen ray and gamma ray physics; or
  - 3) X-ray and radium physics; or

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- 4) Radiological physics; or
- b) Hold a master's degree or doctorate in physics, biophysics, radiological physics, or health physics, and have completed 1 year of full-time training in therapeutic radiological physics and also 1 year of full-time work experience under the supervision of a teletherapy physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks specified in Sections 335.2070, 335.9020, 335.9030, and 335.9040 under the supervision of a teletherapy physicist during the year of work experience.

## Section 335.9160 Training for Experienced Authorized Users

Practitioners of the healing arts identified as authorized users for the human use of radioactive material on a Department, an Agreement State, a Licensing State, or U.S. Nuclear Regulatory Commission license on the effective date of this Part who perform only those methods of use for which they were authorized on that date need not comply with the training requirements of Sections 335.9010 through 335.9180.

## Section 335.9170 Physician Training in a Three Month Program

A physician who, before July 1, 1984, began a 3 month nuclear medicine training program approved by the Accreditation Council for Graduate Medical Education and who has successfully completed the program is exempted from the requirements of Sections 335.9030 or 335.9040.

## Section 335.9180 Recentness of Training

The training and experience specified in Sections 335.9010 through 335.9150 must have been obtained within the 5 years preceding the date of application or the individual must have had related continuing education and experience since the required training and experience was completed.

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1) Heading of the Part: USE OF SEALED RADIOACTIVE SOURCES IN THE HEALING ARTS

2) Code Citation: 32 Ill. Adm. Code 370

3) <u>Section Number:</u>	<u>Proposed Action:</u>
370.10	Repealed
370.20	Repealed
370.25	Repealed
370.30	Repealed
370.40	Repealed

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 211 et seq.).

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to repeal this Part. Requirements related to the use of sealed sources in the healing arts are being promulgated in the Department's proposed rules entitled, "Use of Radioactive Materials in the Healing Arts," 32 Ill. Adm. Code 335. The Department's intent is to codify all rules specifically related to medical use of radioactive materials into one Part of the Illinois Administrative Code.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The repeal of this Part will not require local governments to establish, extend, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Betsy Salus  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 10, 1990
- B) Types of small businesses affected: The Department believes that this rulemaking will have no adverse impact on small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Repealer begins on the next page:

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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 370  
USE OF SEALED RADIOACTIVE SOURCES IN THE HEALING ARTS

Section 370.10	Scope
370.20	Definitions
370.25	General Operation Requirements for Sealed Sources
370.30	Interstitial, Intracavitary and Surface Applications
370.40	Sealed Source Teletherapy
APPENDIX A	Nursing Care for Patients Containing Interstitial or Intracavitary Radium, or Radon (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1985, ch. 111, pars. 211 et seq.).

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 11279; amended at 10 Ill. Reg. 17664, effective September 25, 1986; repealed at \_\_\_ Ill. Reg. \_\_\_\_\_. effective \_\_\_\_\_.

Section 370.10 Scope

The provisions of this Part apply to all licensees and registrants who use sealed sources in the healing arts and are in addition to, and not in substitution for, other applicable provisions of this Chapter.

Section 370.20 Definitions

As used in this Part, the following definitions apply:

"Brachytherapy" means a method of radiation therapy in which a sealed source or group of sources is utilized to deliver beta or gamma radiation at a distance of up to a few centimeters by surface, intracavitary, or interstitial application.

"Teletherapy" means a method of radiation therapy in which a sealed source or group of sources is utilized to deliver gamma radiation at a distance from the body.

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Section 370.25 General Operation Requirements for Sealed Sources

Each licensee or registrant shall assure, by maintaining records, that all individuals who use sealed sources to administer ionizing radiation to human beings are licensed or accredited by the Department of Nuclear Safety (Department) in accordance with the requirements of Ill. Rev. Stat. 1985, ch. 111, pars. 211 et seq. and 32 Ill. Adm. Code 401 unless they are exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.

Section 370.30 Interstitial, Intracavitary and Surface Applications

- a) Accountability, Storage, and Transit
  - 1) Each licensee shall maintain accurate records that provide accountability of receipt, issuance, use, return, transfer, and disposal of all sealed sources at their place of storage.
  - 2) Each licensee shall conduct a physical inventory at intervals not to exceed 3 months to account for all sources and devices containing radioactive material received and possessed. Records of the inventories shall be maintained for inspection by the Department and shall include the quantities and kinds of radioactive material, location of sources and devices, and the date of the inventory.
  - 3) Each licensee shall follow the radiation safety and handling instructions approved by the U.S. Nuclear Regulatory Commission, another Agreement State, or a Licensing State and furnished by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure which accompanies the source or device, and maintain such instruction in a legible and conveniently available form.
  - 4) Each licensee shall assure that needles or standard medical applicator cells containing cobalt-60 as wire, radium-226, or cesium-137 are not opened while in the licensee's possession unless specifically authorized by a license issued by the Department in accordance with 32 Ill. Adm. Code 330.
- b) Testing Sealed Sources for Leakage and Contamination
  - 1) All sealed sources and devices containing more than 100 microcuries (3.7 MBq) of radioactive material with a half-life greater than 30 days, or 10 microcuries (0.37 MBq) of radium-226, shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals

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based on the integrity and use of the source as are approved by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State and described by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device containing radioactive material shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within 6 months prior to the transfer.

2) Leak tests shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample or, in the case of radium, the escape of radon at the rate of 0.001 microcurie (37 Bq) per 24 hours. The test sample shall be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Department.

3) Any leak test conducted pursuant to Section 370.30(b)(1) which reveals the presence of 0.005 microcurie (185 Bq) or more of removable contamination or, in the case of radium, the escape of radon at the rate of 0.001 microcurie (37 Bq) per 24 hours, shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with 32 Ill. Adm. Code 340. A report shall be filed within 5 days of the test with the Department, describing the equipment involved, the test results, and the corrective action taken.

## c) Radiation Survey

1) The maximum radiation level at a distance of 1 meter from the patient in whom brachytherapy sources have been inserted shall be determined by measurement or calculation. This radiation level shall be entered on the patient's chart and signs as required under Section 370.30(d).

2) The radiation levels in the patient's room and the surrounding area shall be determined, recorded, and maintained for inspection by the Department in accordance with 32 Ill. Adm. Code 340.4010.

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3) The licensee shall assure that patients treated with cobalt-60, cesium-137, iridium-192, or radium-226 implants remain hospitalized until a source count and radiation survey of the patient confirm that all implants have been removed.

## d) Signs and Records

1) In addition to the requirements of 32 Ill. Adm. Code 340.2030, the bed, cubicle, or room of the hospital brachytherapy patient shall be marked with a sign indicating the presence of brachytherapy source(s). This sign shall incorporate the radiation symbol and specify the radionuclide, activity, date, and individual(s) to contact for radiation safety instructions. The sign is not required provided the exception in 32 Ill. Adm. Code 340.2040(b) is met.

2) The following information shall be included in the patient's chart:

- A) the radionuclide administered, number of sources, activity in millicuries, and time and date of administration;
- B) the exposure rate at 1 meter, time the determination was made, and name of the individual who made the determination;
- C) the radiation symbol; and
- D) the precautionary instructions to assure that the exposure of individuals does not exceed that permitted under 32 Ill. Adm. Code 340.1010.

## Section 370.40 Sealed Source Teletherapy

## a) Equipment

1) The housing shall be so constructed that at 1 meter from the source, the maximum exposure rate does not exceed 10 milliroentgens (2.58 uC/kg) per hour when the beam control mechanism is in the "off" position. The average exposure\* rate measured at a representative number of points about the housing, each 1 meter from the source, shall not exceed 2 milliroentgens (0.516 uC/kg) per hour.

\*AGENCY NOTE: Exposure as used in this Section has the same meaning as prescribed in 32 Ill. Adm. Code 310.20.

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- 2) For teletherapy equipment installed after the effective date of this Amended Part, the leakage radiation measured at 1 meter from the source when the beam control mechanism is in the "on" position shall not exceed 0.1 percent of the useful beam exposure\* rate.

\*AGENCY NOTE: Exposure as used in this Section has the same meaning as prescribed in 32 Ill. Adm. Code 310.20.

- 3) Adjustable or removable beam-defining diaphragms shall allow transmission of not more than 5 percent of the useful beam.
- 4) The beam control mechanism shall be of a fail-safe design capable of acting in any orientation of the housing for which it is designed to be used. In addition to an automatic closing device, the mechanism shall be designed so that it can be manually returned to the "off" position to minimize the risk of exposure.
- 5) The closing device shall be so designed as to return automatically to the "off" position in the event of any breakdown or interruption of the activating force and shall stay in the "off" position until activated from the control panel.
- 6) When any door to the treatment room is opened, the beam control mechanism shall automatically and rapidly restore the unit to the "off" position and cause it to remain there until the unit is reactivated from the control panel.
- 7) There shall be at the housing and at the control panel a warning device that plainly indicates whether the beam is "on" or "off".
- 8) The equipment shall be provided with a locking device to prevent unauthorized use.
- 9) The control panel shall be provided with a timer that automatically terminates the exposure after a pre-set time.
- 10) Facility design shall permit continuous observation of patients during irradiation.
- 11) Any door fastening mechanism shall be installed so that the door can be opened from the inside.
- b) No person other than the patient shall be in the treatment room during irradiation. Mechanical restraining or supporting devices shall be used for positioning the patient, if necessary.

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- c) Testing for Leakage and Contamination. Teletherapy sources shall be tested for leakage and contamination in accordance with Section 370.30(b). Tests of leakage may be made by wiping accessible surfaces of the housing port or collimator while the source is in the "off" position and measuring these wipes for transferred contamination.
- d) Calibration and Physical Decay Determinations
- 1) Full calibration measurements shall be performed by licensees on each teletherapy unit:
- A) prior to the first use of the unit for treating humans;
- B) prior to treating humans:
- i) whenever spot-check measurements performed in accordance with Section 370.40(e) indicate that the exposure\* rate or dose rate differs by more than 5 percent from the exposure\* rate or dose rate obtained at the last full calibration, corrected mathematically for physical decay;
- ii) following replacement of the radiation source or following reinstallation of the teletherapy unit in a new location; and
- iii) following any repair of the teletherapy unit that includes removal of the source or repair of the components associated with the source exposure assembly; and
- C) at intervals not exceeding 1 year.
- 2) Full calibration measurements shall include determination of:
- A) the exposure\* rate or dose rate to an accuracy within 3 percent for the range of field sizes and for the range of distances, or for the axis distance, used in radiation therapy;
- B) the congruence between the radiation field and the field indicated by the light beam localizing device;
- C) the uniformity of the radiation field and its dependence upon the orientation of the useful beam;

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- D) timer accuracy; and
  - E) the accuracy of all distance-measuring devices used for treating humans.
- 3) The exposure\* rate or dose rate values shall be corrected mathematically for physical decay at intervals not exceeding 1 month.

- 4) Full calibration measurements and physical decay corrections shall be performed by an expert qualified by training and experience in accordance with Section 370.40(g).

\*AGENCY NOTE: Exposure as used in this Section has the same meaning as prescribed in 32 Ill. Adm. Code 310.20.

## e) Spot-Check Measurements

- 1) Spot-check measurements shall be performed on each teletherapy unit at intervals not exceeding 1 month.
- 2) Spot-check measurements shall include determination of:
  - A) timer accuracy;
  - B) the congruence between the radiation field and the field indicated by the light beam localizing device;
  - C) the accuracy of all distance-measuring devices used for treating humans;
  - D) the exposure\* rate, dose rate, or a quantity related in a known manner to these rates (e.g., film density) for one typical set of operating conditions; and

\*AGENCY NOTE: Exposure as used in this Section has the same meaning as prescribed in 32 Ill. Adm. Code 310.20.

- E) the difference between the measurement made in Section 370.40(e)(2)(D) and the anticipated output, expressed as a percentage of the anticipated output. The anticipated output is the value obtained at the last calibration corrected mathematically for physical decay.

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- 3) Spot-check measurements shall be performed in accordance with procedures established by an expert qualified by training and experience in accordance with Section 370.40(g)(1). A qualified expert need not actually perform the spot-check measurements. If a qualified expert does not perform the spot-check measurements, the results of the spot-check measurements shall be reviewed by a qualified expert within 15 days.

## f) Dosimetry System Calibration

- 1) Calibration measurements shall be performed using a dosimetry system that has been calibrated by the National Bureau of Standards or by a Regional Calibration Laboratory accredited by the American Association of Physicists in Medicine. The dosimetry system shall have been calibrated within the previous 2 years and after any servicing that may have affected system calibration.
- 2) Spot-check measurements shall be performed using a dosimetry system that has been calibrated in accordance with Section 370.40(f)(1). Alternatively, a dosimetry system used solely for spot-check measurements may be calibrated by direct intercomparison with a system that has been calibrated in accordance with Section 370.40(f)(1). This alternative calibration method shall have been performed within the previous 1 year and after each servicing that may have affected system calibration. Dosimetry systems calibrated by the alternative method shall not be used for teletherapy calibration measurements.

## g) Qualified Expert

- 1) The licensee shall determine if an individual is an expert qualified by training and experience to calibrate a teletherapy unit and establish procedures for, and review the results of, spot-check measurements. The licensee shall determine that the expert:
  - A) is certified by the American Board of Radiology in Therapeutic Radiological Physics, Radiological Physics, Roentgen-Ray and Gamma-Ray Physics, or X-Ray and Radium Physics; or
  - B) has the following minimum training and experience:
    - 1) a master's or doctorate degree in physics, biophysics, radiological physics, or health physics;

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- ii) one year of full-time training in therapeutic radiological physics; and
  - iii) one year of full-time experience in a radiotherapy facility, including personally conducting a calibration and spot-check of a least one teletherapy unit.
- 2) Licensees that have their teletherapy units calibrated by individuals who do not meet these criteria for minimum training and experience, may request a license amendment excepting them from Section 370.40(g)(1). The Department shall approve the request if the request includes the name of the proposed expert and a description of the individual's credentials establishing that the individual has training and experience equivalent to that described in Section 370.40(g)(1)(B), reports of at least one calibration and spot-check program based on measurements personally made by the proposed expert within the last 10 years, and written endorsement of the technical qualifications of the proposed expert from personal knowledge by a physicist certified by the American Board of Radiology in one of the specialties listed in Section 370.40(g)(1)(A).
- h) Requirements to install a permanent radiation monitor in teletherapy rooms and to use portable survey instruments or audible alarm dosimeters.
- 1) Each licensee authorized under 32 Ill. Adm. Code 330.260(d) to use teletherapy units for treating humans shall install a permanent radiation monitor in each teletherapy room for continuous monitoring of beam status.
  - 2) Each radiation monitor shall be capable of providing visible notice of a teletherapy unit malfunction that may result in an exposed or partially exposed source. The visible indicator of high radiation levels must be located so as to be observable by a person entering the treatment room.
  - 3) Each radiation monitor shall be equipped with an emergency power supply separate from the power supply to the teletherapy unit. This emergency power supply may be a battery system.
  - 4) Each radiation monitor shall be tested for proper operation each day before the teletherapy unit is used for treatment of patients.

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- 5) If a radiation monitor is inoperable for any reason, any person entering the teletherapy room shall use a properly operating portable survey instrument or audible alarm personal dosimeter to monitor for any malfunction of the source exposure mechanism that may have resulted in an exposed or partially exposed source. Survey instruments or dosimeters must be tested daily before use.
- i) Inspection and servicing of the source exposure mechanism
    - 1) The licensee shall cause each teletherapy unit used to treat humans to be inspected for preventive maintenance purposes and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.
    - 2) Preventive maintenance inspections and servicing of the teletherapy unit shall be performed by persons specifically licensed to do so by the Nuclear Regulatory Commission or an Agreement State.
  - j) The licensee shall maintain, for inspection by the Department, records of the measurements, tests, corrective actions, inspection and servicing of the teletherapy unit, and instrument calibrations made under Section 370.40(d), (e), (f), (h) and (i) and records of the licensee's evaluation of the qualified expert's training and experience made under Section 370.40(g).
    - 1) The following records shall be preserved for five years after completion of the full calibration or after inspection and servicing:
      - A) full calibration measurements reports made under Section 370.40(d);
      - B) records of calibration of the instruments used to make these measurements under Section 370.40(f); and
      - C) records of repair and servicing of the teletherapy unit under Section 370.40(i).
    - 2) Records of spot-check measurements and corrective actions under Section 370.40(e) and calibration of instruments used to make spot-check measurements under Section 370.40(f) shall be preserved for two years after completion of the spot-check measurements and corrective actions.

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- 3) Records of the licensee's evaluation of the qualified expert's training and experience under Section 370.40(g) shall be preserved for five years after the qualified expert's last performance of a full calibration on the licensee's teletherapy unit.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Regulatory and Informational Hearings and Proceedings

- 2) The Code Citation: 35 Ill. Adm. Code 102

- 3) Section Number: 102.162  
Proposed Action: New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1026.

- 5) A Complete Description of the Subjects and Issues Involved: On May 10, 1990, in R88-5(B), the Board adopted new procedural rules governing rulemakings. These rules were filed with the Secretary of State and became effective on May 24, 1990, and were published on June 8, 1990 at 14 Ill. Reg. 9210. Due to an administrative error, Section 102.162 "Notice of Hearing" was not included in the filing with the Secretary of State, and therefore is not officially effective. (Section 102.162 was, however, included in the Illinois Register publication.) In order to correct this error, the Board must proceed through regular rulemaking. Therefore, the Board has opened this docket (R90-16) for the sole purpose of filing Section 102.162, as adopted by the Board in R88-5(B), with the Secretary of State.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

If "yes," please specify the date: \_\_\_\_\_

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

Section Number Proposed Action Illinois Register Citation

- 10) Statement of Statewide Policy Objective (if applicable)? This rulemaking merely adds Section 102.162 "Notice of Hearing" to the Board's procedural rules governing rulemaking proceedings. The proposed rule will not impose additional expenditures on units of local government.

## POLLUTION CONTROL BOARD

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:  
Send written public comments within 45 days of this publication in the Illinois Register to: Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601. Please include the docket number of this proceeding (R90-16) on all public comments.

12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Small Business Office:  
July 5, 1990.
- B) Date rule submitted to Small Business Office:  
None. The proposed rule establishes how the Board and its hearing officers will give notice of hearings in rulemaking proceedings, and thus does not affect small businesses.
- C) Reporting, bookkeeping for compliance: None.
- D) Professional skills necessary for compliance:  
None.

The full text of the Proposed Rules begin on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 102  
REGULATORY AND INFORMATIONAL  
HEARINGS AND PROCEEDINGS

## SUBPART A: GENERAL PROVISIONS

Section  
102.100  
102.101  
102.102  
102.103  
102.104

Applicability  
Definitions  
Types Of Regulatory Proposals  
Waiver Of Requirements  
Other Proceedings

## SUBPART B: REGULATIONS OF GENERAL APPLICABILITY

Section  
102.120  
102.121  
102.122  
102.123

Proposal  
Contents  
Dismissal  
Proposal Of RCRA Amendments

## SUBPART C: SITE-SPECIFIC REGULATIONS

Section  
102.140  
102.141  
102.142

Proposal  
Contents  
Dismissal

## SUBPART D: AUTHORIZATION, SCHEDULING, AND NOTICE OF HEARINGS

Section  
102.160  
102.161  
102.162  
102.163

Authorization Of Hearing  
Scheduling Of Hearings  
Notice Of Hearing  
Notice Of Site-Specific RCRA Proposals

## SUBPART E: ECONOMIC IMPACT STUDY DETERMINATIONS

Section  
102.180  
102.181  
102.182  
102.183

Board Determinations  
Request For Determination  
Basis For Board Determination  
Notice Of Board Determination

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SUBPART F: CERTIFICATION OF REQUIRED RULES

Section  
102.200  
102.201  
102.202

Agency Certification  
Challenge To Agency Certification  
Board Determination

SUBPART G: AUTHORITY OF HEARING OFFICER

Section  
102.220  
102.221  
102.222

Authority Of Hearing Officer  
Notice And Service Lists  
Effect Of Hearing Officer Ruling

SUBPART H: PRE-HEARING CONFERENCES

Section  
102.240  
102.241  
102.242

Initiation And Scheduling  
Purpose  
Pre-hearing Order

SUBPART I: MOTIONS AND DISCOVERY

Section  
102.260  
102.261  
102.262

Motion Practice  
Production Of Information  
Subpoenas

SUBPART J: REGULATORY HEARINGS

Section  
102.280  
102.281  
102.282

Pre-hearing Submission Of Testimony And Exhibits  
Transcript  
Admissible Information

102.283 Presentation Of Testimony  
102.284 Questioning Of Witnesses  
102.285 Record For Decision

SUBPART K: ECONOMIC IMPACT HEARINGS

Section  
102.300  
102.301

Hearings On The Economic Impact Study Of New Proposals  
Hearings On The Economic Impact Study Of Existing Regulations

SUBPART L: PUBLIC COMMENTS

Section  
102.320

Public Comments

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: BOARD ACTION

Section  
102.340  
102.341  
102.342  
102.343  
102.344  
102.345  
102.346  
102.347  
102.348

Revision Of Proposed Regulations  
Adoption Of Regulations  
First Notice Of Proposed Regulations  
Second Notice Of Proposed Regulations  
Notice Of Board Final Action  
Adoption Of Identical In Substance Regulation  
Adoption Of Emergency Regulations  
Adoption Of Peremptory Regulations  
Adoption Of Temporary Regulations

SUBPART N: MOTIONS FOR RECONSIDERATION AND APPEAL

Section  
102.360  
102.361  
102.362  
102.363

Filing Of Motion For Reconsideration  
Disposition Of Motions For Reconsideration  
Correction Of Publication Errors  
Appeal

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, and 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2 pars. 1005, 1007.2, 1013(c), 1013.3, 1017.5, 1022.4(a), 1022.4(d), 1022.7(d), 1027, 1028, 1028.2, 1029, and 1041) and Section 4 of "AN ACT in relation to natural resources, research, data collection and environmental studies" (Ill. Rev. Stat. 1989, ch. 96 1/2 par. 7404) and authorized by Section 26 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1026).

SOURCE: Originally adopted as Chapter 1: Procedural Rules, Part II: Regulatory and Other Nonadjudicative Hearings and Proceedings, in R70-4, 1 PCB 43, October 8, 1970; codified at 6 Ill. Reg. 8357; amended in R84-10 at 9 Ill. Reg. 1398, effective January 16, 1985; Part repealed, new Part adopted in R88-5(B) at 14 Ill. Reg. 9210, effective May 24, 1990; amended in R90-16 at 14 Ill. Reg. effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

SUBPART D: AUTHORIZATION, SCHEDULING, AND NOTICE OF HEARING

Section 102.162 Notice Of Hearing

a) The hearing officer will set a time and place for

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hearing. The Clerk shall give notice of the date of the hearing as follows:

- 1) By notice in the Board's Environmental Register; and
- 2) At least 20 days prior to the hearing date, by public advertisement in a newspaper of general circulation in the county in which the hearing is to be held. Where required by federal law, including but not limited to air pollution and RCRA proposals, newspaper notice shall be published at least 30 days prior to the hearing date.
- b) The hearing officer will give notice by mail to the proponent and to all persons who have submitted their names and addresses to the Clerk concerning the proposal.
- c) Hearings which are continued on the hearing record for a period of 45 days or less do not require notice that complies with subsections (a) and (b).

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: 140.529  
Proposed Action: Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This proposed rule establishes criteria for a facility to request an interim QUIP assessment for a midyear QUIP update. With the change to an annual IOC survey and QUIP review, this revision provides a procedure for facilities to follow if they feel that the rate needs to be modified.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.7	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.24	Amendment	April 13, 1990 (14 Ill. Reg. 5417)
140.413	Amendment	March 30, 1990 (14 Ill. Reg. 4860)
140.461	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.462	Amendment	April 20, 1990 (14 Ill. Reg. 5726)

Section Numbers	Proposed Action	Illinois Register Citation
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.528	Amendment	May 11, 1990 (14 Ill. Reg. 7027)
140.539	Amendment	July 6, 1990 (14 Ill. Reg. 10629)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)

Section Numbers	Proposed Action	Illinois Register Citation
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.569	Amendment	May 25, 1990 (14 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvoid, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield,

## DEPARTMENT OF PUBLIC AID

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Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

## 12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 5, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 12086.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities

- 2) Code Citation: 89 Ill. Adm. Code 530:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
530.10	Amendment
530.110	Amendment
530.130	Amendment
530.140	Amendment
530.200	Amendment
530.230	Amendment
530.240	Amendment
530.250	New Section

- 4) Statutory Authority: Implementing Section 3 of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434) and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989 ch. 127, par. 16).

- 5) A Complete Description of the Subjects and Issues involved: Section 530.110 (d) and (e) are being added to require a facility to meet accessibility and safety standards and to inform DORS of a change of location. Section 530.110 (f) cites the standards which must be met.

Section 530.130 is being amended to include several definitions.

Standards are being promulgated for the awarding of successful outcomes in Section 530.230.

Section 530.240 is being amended to include the number of hours services shall be offered when purchased by DORS.

Section 530.250 is being added to promulgate the types of contracts to be used by DORS.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

## DEPARTMENT OF REHABILITATION SERVICES

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- 7) Does this rulemaking contain an automatic repeal date?  
     Yes X No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

- 10) Statement of Statewide Policy Objectives (if applicable):  
     Not Applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Janice Lobb  
 Regulations and Training Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
 T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 8, 1990
- B) Types of small business affected: Rehabilitation Facilities
- C) Reporting, bookkeeping or other procedures required for compliance: none
- D) Types of professional skills necessary for compliance: none

The full text of the Proposed Rule(s) begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 530

CRITERIA FOR THE EVALUATION OF PROGRAMS OF SERVICES IN REHABILITATION FACILITIES

## SUBPART A: INTRODUCTION

Section  
 530.5  
 530.10  
 530.20

Applicable Standards  
 Evaluation Procedure  
 Recommended Procedures In Preparation For And During The On-Site Visit (Repealed)

## SUBPART B: PROGRAM STANDARDS

Section  
 530.100  
 530.105  
 530.110  
 530.120  
 530.130  
 530.140  
 530.150

Available Programs of Service (Repealed)  
 Instructions for Completing the Criteria (Repealed)  
 Organization & Administration  
 Personnel (Repealed)  
 Services  
 Safety  
 Other (Repealed)

## SUBPART C: CONTRACTS WITH REHABILITATION FACILITIES

Section  
 530.200  
 530.230  
 530.250  
 530.240  
 530.260

Disposition of Referrals  
 Program Outcomes  
 Types of Contracts  
 Rehabilitation Facility Contract Requirements  
 Statistical and Fiscal Standards and Procedures

AUTHORITY: Implementing Section 3 of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434) and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 16).

SOURCE: Adopted at 2 Ill. Reg. 52, p. 481, effective December 29, 1978; codified at 7 Ill. Reg. 3200; amended at 13 Ill. Reg. 141, effective December 27, 1988; amended at        Ill. Reg.       , effective       .

## SUBPART A: INTRODUCTION

Section 530.10 Evaluation Procedure

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) At the request of rehabilitation facilities described in Section 530.5(b) (sheltered workshops), facilities shall be evaluated by representatives of DORS. The facility must have been in operation for a period of one year prior to requesting the evaluation.

b) The selection of the DORS representatives shall be the responsibility of the DORS Manager, Workshops and Rehabilitation Facilities Unit-(Manager).

c) The DORS Regional Facility Specialist shall ensure that the facilities in his/her Region requesting evaluations receive copies of the Standards contained in 89 Ill. Adm. Code 530. Subpart B in advance of the scheduled evaluation dates.

d) The representative assigned to conduct the evaluation shall contact the facility director to arrange for a time and date convenient for all concerned. This representative shall confirm the date by letter.

e) The ~~selected~~ DORS representative shall be responsible for applying the standards set forth in Subpart B of this Part to the facility.

1) Prior to conducting the evaluation, the DORS representative shall explain the on-site evaluation procedure to the facility director as well as program directors in charge of services to be accredited.

2) During the evaluation process, the DORS representative shall review the case records, facility documents, and interview staff to insure that standards are being followed.

f) The DORS representative conducting the survey shall hold an interview with the facility director, staff designated by the director and invited guests. The purpose of the interview shall be to summarize the strengths and weaknesses observed during the evaluation.

g) The results of the evaluation, with recommendations for corrective action based on compliance with this Part, shall be sent to the Manager, Rehabilitation Facilities Unit. The Manager reviews the report based upon this

Part and within 30 calendar days of evaluation, notifies the facility director and/or the governing body in writing, of the results of the evaluation.

h) The facility director and/or governing board body has the right to question the results of the evaluation report. Concerns shall be directed to the BERS Manager, Rehabilitation Facilities Unit within 30 calendar days following receipt of the evaluation results. The letter of concern should identify specific areas in which the facility does not concur with the evaluation results, and any noted deficiencies. Information supportive of the facility's position should also be included for DORS review. The BERS Facility Manager will review the stated concerns to determine if the facility was in compliance with this Part based on the additional information and, if necessary, make changes in the report.

i) DORS shall notify the facility of the decision:

1) to approve the services offered by the facility for two years if compliance with the standards of Subpart B are met,

2) to grant provisional status to the rehabilitation facility for a one-year period. Provisional status is granted as a temporary approval, contingent upon adherence and action pertinent to recommendations made as the result of the evaluation, or

3) to not approve the services offered by the facility. When DORS determines that a service is not in place (e.g., the facility does not have a work adjustment plan) or when a plan of corrective action cannot be mutually agreed upon, DORS will not approve the program.

(Source: Amended at Ill. Reg., effective                     )

SUBPART B: PROGRAM STANDARDS

Section 530.110 Organization & Administration

a) Corporate Status

## DEPARTMENT OF REHABILITATION SERVICES

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## NOTICE OF PROPOSED AMENDMENTS

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The facility must be a legally constituted, nonprofit, corporate entity or an entity operated by a State or political subdivision of a State under an appropriate Federal, State or local statute. DORS requires good management practice, which is determined based on the factors set forth in subsections (b) and (c).

profile annually, and the extent and type of coverage is determined after consultation with professional insurance persons. Evidence of this review must be documented in the minutes of the governing body meetings.

## b) Governing Body

## c) Administration

1) The governing body is responsible for establishing the mission of the organization, policies, buildings and equipment, and necessary financial support to fulfill the mission. These responsibilities are stated in the constitution or bylaws.

1) An annual written evaluation of the facility's service programs, physical plant, equipment needs, and personnel shall be ~~is~~ completed by the facility staff for the governing body to determine consistency with the facility's mission. The evaluation report includes the strengths and/or weaknesses of each program and a recommended plan for improvement with time frames identified. There must be evidence that the report has been submitted to the governing body, or its executive committee, and that needed action has been taken.

2) The membership of the governing body ~~be is~~ shall be broadly representative of the community. Suggested representation would include business, education, accounting, and consumer.

3) The governing body shall employs a full-time ~~dB~~irector and delegates to that person the authority and responsibility for the management of the facility in accordance with established policies.

2) Policies and programs for in-service training for staff shall be ~~are~~ available in written form. These policies shall be ~~are~~ reviewed and approved by the governing body.

4) The governing body or its executive committee, and staff of its choice including, at a minimum, the ~~dB~~irector of the rehabilitation facility shall meets at least quarterly.

3) The financial operations of the facility shall be ~~are~~ audited annually by an independent certified public accountant.

5) The governing body shall approve the annual budget, and review and approve income and expense reports at least quarterly.

4) An annual budget shall be ~~is~~ prepared by the ~~Executive~~ facility ~~dB~~irector and presented to the governing body for approval.

5) Income and expense reports shall be ~~are~~ submitted to the governing body at least quarterly.

6) As part of the constitution or bylaws, the governing body shall have ~~has~~ a policy guarding against possible conflict of interest between its members and the operation of the rehabilitation facility.

6) An employee with rehabilitation training and/or experience, shall be ~~is~~ designated to coordinate rehabilitation services. The individual shall be responsible for ensuring that the persons responsible for evaluation, training, and placement programs coordinate the activities which will result in meeting the client's vocational goals.

7) The facility must have insurance to protect assets and to ensure compensation for staff, ~~disabled~~ individuals with disabilities, volunteers, and the public, in the event such compensation would be required for occurrences for which the facility is liable. The governing body reviews the insurance

7) The facility shall employs personnel in such numbers and of such type as to meet the needs of individuals served.

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8) The facility shall have has in place, as a means of public information, a pamphlet or other written materials which contains the following:

- A) a description of services and programs offered;
- B) identification of client population served;
- C) a description of admission procedures;
- D) a statement of client rights, and
- E) a statement of its nondiscrimination policy.

d) The facility must meet accessibility and safety standards cited in subsection (e) of this Section, Section 530.140 and 89 Ill. Adm. Code 525 prior to providing any services to DORS clients. At the request of the facility, DORS staff will survey the facility and program to ensure standards are met. If standards are not met, the facility shall submit a plan of action for approval and follow the procedures in 89 Ill. Adm. Code 525.10(e).

e) DORS must be informed prior to a facility's change in location. DORS will survey the new location to ensure accessibility and safety standards are met prior to a client entering a program in the new location.

f) ~~d~~ Federal and State Regulations

- 1) The facility must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Constitution of the United States, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the 1970 Constitution of the State of Illinois, the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.), the Architectural Barriers Act of 1968 (PL 90-480, August 12, 1968, 82 Stat. 718), the Uniform Accessibility Standards (41 CFR 101-19.6 et seq.) and the American National Standards Institute, No. A117.1-1986, and any laws, regulations or orders, State or Federal, which prohibit discrimination on the grounds of race, sex, color, religion, national origin, ancestry, marital status, unfavorable discharge from the military, the

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inability to speak or comprehend the English language, and any physical or mental handicap. The facility shall engage in an Affirmative Action Program as required by Section 504 of the Rehabilitation Act of 1973. Notice of compliance with these Acts must be posted in a public place within the facility so that all staff and clients have the opportunity to see it. Public information material must also include statements of compliance with these Acts.

2) The facility must comply with both Federal and State Departments of Labor Rules and Regulations (29 CFR 5245 (1987), with no later amendments or editions)) and 56 Ill. Adm. Code 200.500 respectively), governing wage requirements and be able to produce evidence of meeting such requirements.

3) The facility must comply with the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.1 et seq.).

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 530.130 Services

## a) Program Definitions

1) DORS incorporates the definitions of functional vocational assessments, vocational evaluation, on-the-job evaluation, work adjustment training, skill training, placement training, and on-the-job training as found in the Commission on Accreditation of Rehabilitation Facilities Standards Manual for Organizations Serving People with Disabilities (1987, with no later amendments or editions).

1) "Functional vocational assessment" is a limited survey of an individual's vocational interests and abilities based on local curriculum and counselor request.

2) "Vocational assessment" is an assessment of an individual's ability to function in a single area (e.g. clerical) or a broad based assessment of a

## DEPARTMENT OF REHABILITATION SERVICES

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person's interests and abilities using a variety of tests, work samples, and situational assessments. The purpose of vocational evaluation is to develop vocational goals by identifying rehabilitation problems and strategies to alleviate them and by making recommendations about job categories, specific jobs, and ways to obtain the skills necessary to achieve them.

3) "On-the-job evaluation" is an assessment of an individual's ability to function in a specific job determined by work at a community site. This program must be under the supervision of the vocational evaluator. Commensurate wages will be paid by the employer, the facility or DORS.

4) "Diagnostic psycho-social rehabilitation services" are provided to persons with chronic mental illness to help them develop vocational goals. This program is similar to vocational evaluation, but also includes intensive counseling and case management services.

5) "Work adjustment training" is transitional, time-limited training using individual and group work situations. The purpose is to help individuals understand the meaning, value, and demands of work; develop appropriate work attitudes and behaviors; and develop the functional capacities needed to attain their vocational goals. Trainees are paid a commensurate wage based on community prevailing wages and may graduate to competitive or sheltered employment.

6) "Personal adjustment training" is a counseling oriented program designed to help the individual make realistic choices concerning careers and living arrangements and to overcome attitudinal, environmental, or financial barriers to employment. The purpose is to alleviate non-work related problems hindering attainment of competitive employment.

7) "Skill training" is a formal program of instruction with a written curriculum that develops appropriate skills and knowledge for a specific occupational objective or job family.

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The purpose is to prepare individuals for competitive employment. Training may be offered at the facility or at a community site and must be supervised by the facility's staff.

8) "Transitional employment" is a combination of work adjustment and skills training at a community work site which will lead to competitive employment, usually at a different community site. The facility provides the direct supervision, but commensurate wages will be paid by either the employer or the facility.

9) "On-the-job training" is formal training in an actual job under facility and employer supervision. The individual learns to perform all of the operations of a specific job and usually attains competitive employment at that job site. Commensurate wages will be paid by either the employer or the facility.

10) "Psycho-social rehabilitation services" are provided to persons with chronic mental illness to help them achieve their vocational goals. This program is similar to work adjustment training but also includes intensive counseling and case management services.

11) "Job seeking skills training" develops skills and knowledge to help the individual develop realistic vocational goals and then obtain and retain competitive employment. The training is usually provided in a classroom or job club format.

12) "Intervention training" provides work adjustment services at a competitive work site when post placement behavior problems occur which require greater intervention than standard follow-up services. The training is provided by the facility and is limited to four weeks.

13) "Job coaching, competitive employment" is a post placement service which provides intensive systematic training to maintain employment. This skills necessary to place-train model which program is part of the place-train model requires job development, job analysis, job match of work to job, direct instruction on the specific job, and follow along.

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14) "Job coaching, supported employment" contains the same parameters as competitive employment for an individual placed into supported employment.

15) "Placement services" are a combination of services which lead to direct placement in competitive, community employment. This array of services includes an assessment of the person's job readiness and transferable skills, job seeking/keeping skills training, job search and development, actual job placement, and follow-up services including intervention training, if necessary.

16) "Suitable employment" is defined within the Part as meaning:

A) competitive employment - employment in the community which provides the client at least a minimum wage reimbursement and fringe benefits (e.g., vacation, sick leave) if such benefits are offered to other employees;

B) supported employment - competitive work in an integrated work setting for a client with a severe handicap(s) for whom competitive employment has not occurred or for a client for whom competitive employment has been interrupted or intermittent as a result of a severe disability (see 89 Ill. Adm. Code 552.110), and who, because of his or her handicap, needs ongoing support extended services as determined by the counselor's professional judgment as evidenced in the Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572.60) to perform such work. An integrated work setting means that there are eight or fewer individuals with disabilities on a community worksite;

C) sheltered employment - employment in a rehabilitation facility work program, which has been certified by the U.S. Department of Labor pursuant to 29 CFR 525 (1987, with no later amendments or editions) that provides the client with wages commensurate with his or her productivity in accordance with 29 CFR

525.912 (1987), with no later amendments or editions) and fringe benefits if such benefits are offered to other employees.

17) Competitive, supported, and sheltered employment must last for a minimum period of 60 calendar days and meet the following criteria in 89 Ill. Adm. Code 617.30(a)(3).

A) the client and employer are each satisfied;

B) the client is maintaining adequate interpersonal relationships and acceptable behavior in the job environment (e.g., displays courteous behavior, no temper tantrums, no crying);

C) the occupation is consistent with the client's capacities, abilities, and interests as documented in the vocational evaluation;

D) the client possesses skills to perform or continue the work to the satisfaction of the employer;

E) the employment is regular (i.e., consistent in hours), permanent, and the client receives a wage commensurate with that paid others for similar work in accordance with Section 530-110 (d)(2) of this Part; and

F) the employment and working conditions will not aggravate the client's disability (e.g., an individual with asthma would not be expected to work in a plant which has a high level of dust) and the client's disability in the job situation will not jeopardize the health or safety of him/herself or others (e.g., an individual with uncontrolled seizure disorder should not operate heavy equipment).

b) Program Standards

1) Intake and Admissions

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- A) All referrals **are** must be screened by personal interviews and reviews of recent medical examinations, psychological testing, and personal data to determine if the program can meet the client's needs.
- B) A confidential case record, which includes the information obtained in accordance with subsection (b), must be maintained by the facility for each client receiving services from the facility, and be available only to authorized personnel designated by the facility.
- C) Referred individuals not accepted for programming shall be informed in writing of the reason(s) for non-acceptance and, if possible, referred to other appropriate resources in the community.
- D) When programs have reached full capacity and waiting lists for admission exist, there **are** must be written procedures for the administration of the waiting lists and notification of service availability. This notification is documented in each referral file.
- E) There must be written entrance criteria for each program offered by the facility.
- F) There must be a written procedure for entrance of the client into the facility.
- G) As part of the entrance procedure, the client should receive a "Manual" which provides information on safety, services, salaries, fringe benefits, working conditions, standards of behavior expected, and client's rights.
- 2) Functional Vocational Assessment
- A) Programs which include psychological testing shall be under the supervision of a Psychologist registered with the Illinois Department of Professional Regulation in

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- accordance with the Psychologist Registration Act (Ill. Rev. Stat. 1987, ch. 111, pars. 5301 et seq.).
- B) Facilities must obtain a work sample in accordance with the Commission on Accreditation of Rehabilitation Facilities' Standards Manual for Organizations Serving People with Disabilities (1988, with no later amendments or editions).
- 3) Evaluation
- A) An employee<sup>7</sup> with rehabilitation training and/or experience in evaluation techniques must have the responsibility for managing the Evaluation Program.
- B) Written evaluation procedures shall identify objectives, evaluation sites, staff responsibility, and activities to be used in the evaluation procedure.
- C) Based on referral information, a written evaluation plan shall be developed for each client prior to admission. Each individual plan shall include:
- i) goals and objectives of the client's evaluation, and
  - ii) time frames for achievement of goals and objectives.
- D) An evaluation staffing shall be held at the completion of the program. Facility and DORS staff pertinent to addressing evaluatee needs must be in attendance. In all instances, the client must attend the staffing unless inappropriate due to client's physical and/or mental state (e.g., hospitalization). Results of the staff meeting will be documented and become a part of the client's case record.
- E) A written evaluation report shall be provided and interpreted to the client.

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## 4) Training

- A) An employee(s) with rehabilitation training and/or experience must have the designated responsibility for managing the Training Program.
- B) Written training procedures and/or curricula shall include identification of training objectives, program length, training sites, staff responsibilities, and a general overview of the methods, equipment, and materials to be utilized.
- C) Based upon previous diagnostic findings and available data, an Individualized Written Training Plan ~~is~~ shall be developed prior to the client's entering training. The Plan includes:
  - i) the condition(s) that exist which interfere with the client's vocational objectives;
  - ii) the overall anticipated outcome of the applied program;
  - iii) intermediate objectives to be reached in order to achieve the anticipated outcome;
  - iv) time frames associated with each planned intermediate objective and the overall outcome; and
  - v) identifiable indicators which will measure the success of the Plan.
- D) The facility must have vocational assessment information available which indicates that the client has interest in the job area, motivation and aptitudes for the job prior to placement in the program.
- E) The facility shall have available work and ancillary programs necessary to meet the needs identified in the Individualized Written Training Plan.

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- F) The facility must have a written plan to meet the client's vocational training needs when work is not available.
  - G) Training staffings are to be held at least every eight weeks for review of the client's plan and intermediate objectives. Facility staff pertinent to addressing the client's needs must be in attendance.
- 5) Placement and Follow-Up
- A) Placement services must be provided in accordance with the individual client's employment goals. Placement service should be provided to those clients in all work-oriented programs.
  - B) Follow-up services shall be provided to ensure employment adjustment and retention. When problems related to the job occur, follow-up service will include additional programming (e.g., job coach, additional training, transportation assistance).
  - C) An employee with rehabilitation training and/or experience shall have the responsibility of coordinating the placement program.
  - D) An Individualized Written Placement Plan shall be developed to establish the activities needed for a client to reach employment goals.
  - E) Placement staffings shall be held on a planned schedule to review the placement/follow-up activities for each client and the need to modify the follow-up plan based on the client's changing needs.
  - F) A written follow-up plan shall be developed on each client placed, establishing services needed to maintain employment and responsibilities of individuals involved in the plan.

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- G) Written summaries of placement staffings shall be provided to the client, the DORS counselor and others as authorized by the client.
- H) The placement specialist shall develop and maintain a written commentary on employer contacts to identify employment opportunities for persons with disabilities. The commentary would include the employer, contact person, types of jobs, necessary skills for the job and job openings.
- I) Clients employed in the facility's work program shall receive an employee's manual providing information on safety, services, salaries, fringe benefits, working conditions, standards of behavior expected, and appeal rights.
- J) Minimum program standards for employment are:
- i) at least semiannually, the facility staff must assess each client's potential for community job placement. The client shall be ~~is~~ referred for other services, e.g., vocational evaluation, work adjustment, skill training, programs in industry, and job placement when facility staff determines that community placement may be a feasible goal (e.g., improvement in behavior, increase in productivity);

- ii) there shall be ~~is~~ no charge to the client for the "privilege" of employment per se. There may be, however, appropriate charges for optional and rehabilitation services. However, no charge shall be imposed without advance notice to and approval of the client. An itemized invoice ~~is~~ shall be submitted to the client served, the legal guardian, or a third-party sponsor; and

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- iii) within one year of entry into employment in the Work Program, each client shall receive benefits commensurate with those provided other comparably classified non-disabled employees within the facility. In the event no comparable classification exists, the client shall be ~~is~~ provided annually, a minimum of five days paid vacation, five days paid sick leave, and five holidays with pay.

(Source: Amended at            Ill. Reg.           , effective           )

Section 530.140 Safety

a) Physical Plant

- 1) The physical plant of the facility and its environment shall be ~~is~~ arranged and maintained to assure compliance with the Illinois Accessibility Code (71 Ill. Adm. Code 400).
- 2) The facility director shall designate a staff member who will be responsible for developing and maintaining a safety program in accordance with subsection (a).
- 3) An executive safety committee shall be appointed with clearly-defined responsibilities for the safety programs of the facility, including:
  - A) meeting at least quarterly to review the facility's safety program and complete a written evaluation of the effectiveness of the program.
  - B) developing a written emergency plan detailing staff action and responsibilities, including provision for fire evacuation, power failure, and natural disasters;
  - C) establishing a program of accident prevention; and

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- D) establishing a system of accident reporting which shall also include a review of the incident reports made and recommendations for corrective action.
- 4) The facility staff shall conduct test drills of the emergency plan at least once each six weeks, with written results of the test drills being forwarded to the Director of the facility.
- 5) The facility shall have evidence of a satisfactory inspection by local or State fire control agencies at least once each 12 months, or sooner if required by State or local standards.
- 6) The facility shall utilize, at least once every two years, competent safety specialists (e.g., a licensed or registered safety engineer, a representative of a state agency providing Occupational Safety and Health Administration type inspections on a consultative basis, a safety consultant or representative of the facility's insurer) to complete safety surveys of all facility locations, programs, and equipment.

## b) Emergency Treatment

- 1) The facility shall provide an area for temporary isolation and care of clients who become ill while at the facility.
- 2) The facility shall have a person(s) trained to render first aid, including cardiopulmonary resuscitation (e.g., Red Cross, local hospital).
- 3) The facility shall have a written operational procedure designed to provide protection to all individuals in the facility in the event of catastrophic emergencies (e.g., fire, tornado, flood).

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: CONTRACTS WITH REHABILITATION FACILITIES

## Section 530.200 Disposition of Referrals

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- a) When a facility refers a client to DORS for services, DORS shall notify the facility, in writing, of the disposition of the referral within 30 calendar days of receipt of the referral. This notification shall include the name of the counselor, the client's current status with DORS and ~~for~~ any pertinent information regarding the client, including the possibility and projected date of DORS funding of services for the client.
- b) When DORS refers a client to a facility for services, the facility shall notify DORS, in writing, of the disposition of the referral within 30 calendar days of receipt of the referral. This notification shall include the expected date of admission and ~~for~~ any other pertinent information regarding the client's entry into the program, ~~that the facility possesses. Pertinent information includes e.g.~~ information about the disability, vocational and social history, educational background and medical and psychological information.
- c) Once a client is accepted for services and is involved in programming, both parties agree to notify one another of the termination of client services and ~~for~~ sponsorship of services within five working days of the ~~actual termination~~ effective date.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 530.230 Program Outcomes

- a) For purposes of this Part and contract payment, successful outcomes per 89 Ill. Adm. Code 617.30(a)(3) will be awarded when a client has participated in at least one program of services listed in the contract and is employed in suitable employment per Section 530.130(a)(16).

- b) The facility shall agree to provide those services for which it the facility has been approved by DORS, upon DORS' referral, by DORS of a client to the facility.

- c) Program outcomes shall be reported and monitored quarterly, on the DORS "Successful Placement Report," (IL 488-1680). The successful placement report provides information about DORS clients who have been placed, the type of job, wages, and hours. This

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shall be initiated by the facility and submitted to the Facility Specialist or the DORS Contact Person who shall see that the outcomes are verified by the appropriate DORS staff. The completed report shall be returned to the Facility Specialist for distribution to the facility and appropriate DORS staff.

credit, if the client participated in either a training or placement program within each facility. No more than two facilities will share an outcome.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_ , effective \_\_\_)

d) DORS shall award a competitive outcome within a facility operated program when:

Section 530.240 Rehabilitation Facility Contract Requirements

For those clients being provided with Rehabilitation Facility services through a contract with DORS, the following requirements must be met:

- 1) the client is making at least minimum wage,
- 2) no other state or federal agency is funding the client as a sheltered employee (Section 530.130(a)(16)(C)),
- 3) a job description is in place which gives evidence the position is an agency staff position,
- 4) the client receives the same benefits and privileges of employment as other agency employees, and
- 5) the site is integrated per 34 CFR 363.7 (1987).

e) Outcome award for sheltered employment shall be awarded any time after the client has been employed for 60 days when:

- 1) the client engages in an employment setting (not simulated work),
- 2) the client earns at least 25% of the prevailing wage, and
- 3) the client works 20 hours or more per week.

f) Successful outcomes are stated in the client's IWRP (89 Ill. Adm. Code 572). Verification of successful outcome is determined by the client's achieving the vocational goal agreed upon by the client, DORS and the facility. Multiple outcomes for a client shall be credited if the services needed to attain each outcome are on the client's IWRP and the client is moving toward integrated, competitive employment. When two facilities request credit for an outcome for the same client, DORS may award each facility 1/2 outcome

a) An individual written program plan is prepared by the facility in accordance with 89 Ill. Adm. Code 572 and agreed upon by the client and rehabilitation counselor prior to entry into any of the facility's programs (see Section 530.130(a) for definitions of the various programs) including placement. This plan must be submitted to DORS within five working days after the client enters the program. If the placement plan indicates a vocational objective of sheltered employment, any needed ancillary services (e.g., transportation, medical services, equipment and clothing) will be identified, and an agreement regarding client financial participation must be reached.

b) Evaluation staffings will be held at the completion of the evaluation. Training and placement staffings will be held at least every eight weeks. The facility will provide information related to the client's planned program progress at the staffing and a written summary of the staffings to DORS within ten working days of the staffing. The summary will include date, attendees, discussions, conclusions, and recommendations. A DORS representative will be present for the staffings.

c) The facility will submit a final evaluation report upon completion of evaluation utilizing the Facility Evaluation Report (IL 488-0362) or a format containing the same information. The Facility Evaluation Report must include background information (e.g., disability, family, education, financial), interpersonal - personal observations (e.g., peer relations, acceptance of authority, grooming, personal habits, work tolerance), vocational appraisal (e.g., intelligence, aptitudes, skills, interests), recommended goals (e.g., personal,

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vocational, short-term, long-term), and recommended program(s) and services (e.g., counseling, training, medical, educational). Training Progress Reports will be submitted at least every eight weeks utilizing the Facility Trainee's Progress Report (IL 488-0361) or a format containing the same information. The Training Progress Reports must include vocational performance and interpersonal-personal observations. A final placement report should be completed after the client completes 60 days of satisfactory employment. Placement reports provide information on where the individual is placed, the hours worked per week, the wages, if there is a need for ongoing support, if there is a need for further services, current adjustment to job, and employer's input on job performance. All reports must be submitted within five working days of the end of the reporting period.

d) The facility will contact the DORS Facilities Specialist prior to lay-offs in any of the components of the Sheltered Work Program.

e) Services purchased by DORS on a full time weekly basis shall offer at least 23 hours of program time per week (excluding lunch and breaks) when provided at the facility or to a group of persons. Services provided at a community site for an individual shall offer at least 20 hours per week (excluding lunch and breaks).

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

## Section 530.250 Types of Contracts

DORS will contract with a facility (facility option) using one of the following type of optional contract:

a) Base Plus Performance: A partial assurance arrangement which divides the total contract into two funding components. The base component provides the assurance, generating between 30 and 70 per cent of the total contract to the facility so long as the designated program slots are available to DORS clients. The purpose is to develop a client driven contract which allows the facility to provide the array of services needed.

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1) Besides identifying the services offered and the program capacity available to DORS clients, the contract also identifies the number of outcomes to be obtained. After the base is determined, the money that remains available under the contract is the performance portion. This amount is then divided by the total number of outcomes expected for the outcome value that will be paid for each successful outcome.

2) Equal payments based on the entire contract (i.e., payments equal to 1/12 of the contract) will be made for the first 10 months. The 11th payment will be based on actual performance at the end of the 9th month. The 12th payment will be the final payment based upon the total outcomes reported.

3) This type contract has the potential for incentive payment for successful competitive outcomes above the amount contracted for. Reconciliation for over-performance will be included in the 12th payment.

4) For the purpose of the contract, Supported Employment Program (SEP) outcomes placed as a result of the contract will be included as competitive outcomes. Outcomes earned from DORS SEP grants or other state agency grants will not be awarded under this contract.

b) Level of Funding: This contract is a rate based arrangement where funds are set aside based on anticipated weeks of service provided to DORS clients, combined with an anticipated number of successful outcomes. The contracted funds earned are based upon the attainment of services or outcomes. Facilities earn 100% of the contract once they provide 90% or more of the projected services or outcomes. No incentive payment will be awarded for over-performance.

1) Equal payments based on the entire contract (i.e., payments equal to 1/12 of the contract) will be made for the first 11 months. The final payment will be made without adjustment when service or outcome levels reach 90%.

2) If service levels and successful outcomes both fall below 90%, the total contract will be reconciled at the higher level of the two.

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- c) Cooperative Working Agreements: These fee for service agreements identify approved services and rates of payments for services. These agreements require no fiscal assurances from DORS except to pay for services provided.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, .

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- 1) Heading of the Part: Homemaker Contracts

- 2) Code Citation: 89 Ill. Adm. Code 712

- 3) Section Numbers: Proposed Action:

712.100 amendment  
712.200 amendment  
712.300 amendment  
712.400 amendment  
712.1000 amendment  
712.APPENDIX A

- 4) Statutory Authority: Implementing and authorized by Sections 3(g) and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill Rev. Stat. 1989, ch. 23, pars. 3434(g) and (k)).

- 5) A Complete Description of the Subjects and Issues involved:  
Per an agreement with JCAR, a cross reference to the Department of Aging's rules was made in Section 712.200(a).

Throughout Part 712, all references to "contract" have been changed to "rate agreement" and "Contractors" has been changed to "Providers".

Section 712.200(b) is being amended to add that a group billing sheet be submitted for authorized services and that a Home Services Program Agency Billing Statement shall accompany all bills. A note shall be attached to the Billing Statement when approval has been given by the DORS counselor to exceed the amount specified on the invoice voucher. The Provider shall identify the date and name of specific DORS staff who approved the increase.

Section 712.300(b)(1) which requires a Contractor to furnish a fiscal year certified audit has been deleted, as this is no longer required.

Section 712.300(c)(2) has been added to require the Provider to have written procedures for clients to report loss or damage due to wrongful or negligent acts of its employees.

Section 712.300(f)(3) has been amended to delete the requirement that homemakers have a negative tuberculosis test prior to assignment of a job, and an annual negative tuberculosis test thereafter.

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12) Initial Regulatory Flexibility Analysis: A Business Impact Analysis was sent to the Dept. of Commerce and Community Affairs on June 12, 1990

The full text of the Proposed Rule(s) begins on the next page:

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Section 712.300(g)(2) includes disability awareness and AIDS training in the 12 hours of in-service training required for homemakers and supervisors.

Section 712.400(a)(4), (5), and (6) were added as services provided (e.g., the Provider agrees to respond to DORS within 48 hours regarding the disposition of a referral; the Provider will designate a contact person who is responsible for DORS referrals; and the Provider will notify DORS if the homemaker is unable to provide regularly scheduled services for 3 consecutive days).

Several minor wording changes occur throughout the entire Part.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable): Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Janice Lobb  
Regulations and Training Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 712  
HOMEMAKER CONTRACTS RATE AGREEMENTS

- Section  
712.100 Contract Rate Agreement Language  
712.200 Payment for Services  
712.300 Compliance Requirements for Participation in Homemaker Service Program  
712.400 Essential Components of Homemaker Services  
712.1000 Homemaker Provider Standards  
APPENDIX A Ratings Guide

AUTHORITY: Implementing and authorized by Sections 3(g) and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(g) and (k)).

SOURCE: Adopted at 8 Ill. Reg. 23698, effective November 28, 1984; amended at 13 Ill. Reg. 10643, effective June 15, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 712.100 Contract Rate Agreement Language

- a) Standardized language contained within the Homemaker contract rate agreement (Agreement) between the Department of Rehabilitation Services (DORS) and Homemaker service providers (hereafter referred to as Contractors Providers) must be ~~is~~ developed and implemented in conformance with the State Comptroller's Administrative Rules "Contract Content" (74 Ill. Adm. Code 290) and the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132-1 et seq.).

- b) In addition to the standardized language contained within the Homemaker contract Agreement, DORS requires that Homemaker service Providers comply with the following stipulations:

- 1) Liability  
DORS assumes no liability for actions of the Contractor Provider under the contract. The Contractor Provider agrees to hold DORS harmless against any and all liability, loss, damage, cost

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or expenses arising from wrongful or negligent acts of the Contractor Provider, which DORS may sustain, incur or be required to pay as a result of Contractor's Provider's performance. under the Contractor.

2) Monitoring, Evaluation and Audit

- A) The Contractor Provider agrees to maintain such records as required by Section 712.300(e) of this Part. The Contractor Provider shall retain for five (5) years all records essential for audit verification.

- B) The Contractor Provider agrees to assist DORS in its functions of monitoring and evaluating performances under the Contract Agreement. Access will be provided by the Contractor Provider to those DORS employees or other persons, including federal officials and independent auditors who are authorized by the Director of DORS, for the purpose of reviewing all records, financial and programmatic, relating to the Contract Agreement.

- C) Monitoring shall include, but not be limited to, programmatic, fiscal and auditing review, and review for compliance with the non-discrimination requirements of the Contract Agreement.

3) Availability of Funds

Obligations of the State will cease at the end of the fiscal year without penalty of further payment being required if in any fiscal year the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available sufficient funds for this agreement.

4) Confidentiality

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The Contractor Provider agrees that any information obtained concerning DORS' clients shall remain confidential as governed by the Department's DORS' rule "Confidentiality of Information" (89 Ill. Adm. Code 505).

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_)

## Section 712.200 Payment for Services

- a) DORS will pay the Contractors Providers in accordance with 89 Ill. Adm. Code 545.100(a)(1) and 89 Ill. Adm. Code 240.1910 for homemaker services authorized by DORS and rendered to persons who have been determined by DORS to be eligible as per 89 Ill. Adm. Code 685 "Non-Financial Eligibility Criteria" for the Home Services Program and in need of Homemaker services (89 Ill. Adm. Code 700.300(c)). The Contract Agreement in no way requires DORS to purchase any given number of hours of service. The Contractor's Provider's obligation to render services and DORS' to pay for services rendered to any client is subject to the issuance of individual monthly authorizations by DORS for individual clients, pursuant to 89 Ill. Adm. Code 520.30 "Authorizations."

- b) By the last 15th working day of each month, the contractor Provider shall submit to the local DORS office a completed C-13 Invoice/Voucher and a group billing sheet (IL488-0305) for authorized services rendered to each individual client in the preceding month. All bills must be accompanied by a services report as specified in Section 712.300(e)(2)(D) for each client and a Home Services Program Agency Billing Statement (IL488-0328). The provider shall attach a note to the Billing Statement when given approval from the DORS counselor to exceed the amount specified on the Invoice Voucher. The Provider shall identify the date and name of specific DORS staff who approved the increase. Payment shall not be made on bills not accompanied by these reports. Payment shall be by State Warrant which must be approved by the Comptroller's office.

- c) Services are provided directly to the eligible client in his/her home, or when accompanying the client out of his/her home for the purpose of escorting the client to

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medical appointments or other personal business necessary to maintain the client in the home. Service will be authorized and paid in increments of not less than a quarter hour, with the amount and duration of need to be determined by DORS pursuant to 89 Ill. Adm. Code 700.100(a) "Service Plan Development."

- d) The authorization is all-inclusive and no further payment shall be made for agency Provider staff time spent in case conferences, travel time or other expenses incurred by the Contractor Provider in delivery of the service, except when DORS authorizes time for a homemaker to participate in staffings or attend court hearings, such payments will be made at the hourly rate.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_)

## Section 712.300 Compliance Requirements for Participation in Homemaker Service Program

In order to participate in the Illinois Department of Rehabilitation Services DORS' Home Services Program (HSP), the Contractor Provider agrees to meet the following minimum requirements. DORS shall review the Contractor Provider for compliance with the following requirements on an annual basis:

- a) Organization and Administration

The Contractor Provider shall make available its articles of incorporation, or if unincorporated, shall provide a statement of purpose and functions. The Contractor Provider will make available, upon request, the names and addresses of owners, or its officers and directors.

- b) Audits

- 1) An audit shall be completed annually in accordance with the American Institute of Certified Public Accountants' 1984 generally accepted auditing standards by an independent Certified Public Accountant. The Contractor agrees to furnish a fiscal year certified audit within one hundred twenty (120) days after the close of the contract period.

2+ DORS reserves the right to audit all records and accounts pertinent to each this Contract Agreement at any time within five years after the final completion date of this Contract Agreement. (See Section 712.100(b)(2).)

## c) Insurance Coverage

1) Since DORS assumes no liability for actions of the Contractor Provider under this Contract Agreement, the Contractor Provider will be required to have must have insurance coverage against any and all liability, loss, damage and/or expense from wrongful or negligent acts of Contractor the Provider. Any Contractor Provider providing medical or medically related services (i.e., home health, 89 Ill. Adm. Code 675) must certify that it has insurance coverage by providing DORS with a copy of the its Certificate of Insurance. The amount of insurance coverage will be based on the types of homemaker services provided and the number of units of service provided. (See Section 712.100(b)(1).)

2) The Provider shall have written procedures for a client to report loss, damages, etc. arising from wrongful or negligent acts of its employees. Procedures shall include the individual to contact regarding loss/damage, if applicable, and Provider action following notification.

## d) Policies and Procedures

The Contractor Provider shall have written policies approved by its governing authority and available for review by consumers and purchasers of the service. Such policy shall cover at least:

- 1) Service Provided - Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.
- 2) Money Transactions - The Contractor Provider shall have a two-way receipt system in which the client and homemaker are each receipted for all money each transactions to protect both parties when the

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contracting worker handles the client's money, food stamps or other negotiable items in the discharge of duties.

- 3) Personnel Policies - Personnel policies shall be in writing and adopted by the Contractor Provider's governing authority. Policies shall cover salary schedules, hours of work, sick leave, provision for handling grievances, and requirements for attendance at work conferences. There shall also be written job descriptions identifying required qualifications and duties for each job title.

## e) Records and Reports

Reporting shall reflect information needed by the Contractor Provider to plan, budget, administer, interpret and evaluate the program, as follows:

- 1) Records shall be maintained of all for each referrals and requests for service and disposition of same.
- 2) Client records shall include, at a minimum least:
  - A) Dates and times service was provided and name of Contractor Provider employee providing service;
  - B) Dates and times of supervisor-homemaker weekly conferences;
  - C) A written report prepared by the Contractor reflecting of the semi-annual supervisor visit to at least one client per homemaker, if applicable;
  - D) A monthly services report submitted to DORS. The report must include the following:
    - i) a summary of services provided during the preceding month,
    - ii) actual or anticipated changes in the client's status or condition (e.g., current or scheduled hospitalization or other absences from the home),

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- iii) problems related to the existing service plan,
- iv) recommended changes to the service plan, and

v) all contacts with the DORS counselor regarding each case.

E) Copies of ~~Two-way~~ receipts of all money transactions between homemaker and client; and

F) Records of staffings (participants at the meeting, matters discussed and any recommendations made) as set forth in Section 712.400(c).

3) Administrative records shall include:

A) Cumulative service statistics as pertaining to the ~~Contract~~ Agreement;

B) Attendance records for all homemaker staff;

C) Schedules for homemakers; and

D) Billing and payment records.

4) Personnel records shall include:

A) Documentation of each individual's qualifications for the position held;

B) Wage rate and effective date;

C) Daily attendance records;

D) Probationary evaluations completed within the first six (6) months of initial employment, including ability to perform specific tasks and activities;

E) Annual evaluations including each employee's ability to perform specific tasks and activities;

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F) Record of orientation and ~~en-ging~~ training programs, including the name(s) of instructor(s), dates and time ~~hours~~ of training, ~~dates of training~~;

G) Record of sick leave and/or vacation earned and dates used; and

H) If staff transports clients in their private automobiles ~~Documentation~~ of automobile liability insurance of at least \$15,000 bodily injury per person with a minimum limit of at least \$30,000 per occurrence, and at least \$10,000 property damage insurance, ~~if staff transports clients in their private automobiles.~~

5) The above specified records shall be kept for at least five (5) years or until all State and Federal audits are completed. Authorized representatives of DORS and the United States Department of Health and Human Services shall have access to all records of the ~~Contract~~ Provider, the parent company, subsidiary agency and other interlocking company(s) as they relate to this ~~contract~~ rate agreement. (See Section 712.100 (b) (2).)

f) Staff Requirements and Qualifications

At a minimum, the ~~Contract~~ Provider shall have the following staff who are qualified as designated:

1) Executive Director or Administrator

A) There shall be a designated individual who has responsibility for administration of the homemaker service program. This person should either have ~~position~~ ~~requires~~ a Bachelor's degree in a health, ~~or~~ human services or related field (including, but not limited to, social or health science, or public administration), or be a health professional (i.e., registered nurse, home health care administrator, medical clinic administrator or any other health services administrator) or have one year of equivalent experience in a social service or health

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agency for each year of education being replaced, including at least one year of experience in a program serving people with disabilities. In those instances where the agency has more than one (1) local unit providing service, there shall be a designated individual in each local unit.

- B) The An existing Executive Director or Administrator must meet the above requirement or demonstrate continual progress towards meeting the educational requirements of subsection (A) above by current registration and evidence of successful completion of course work in an accredited junior college, college or university for at least two (2) semesters (or three quarters) of each academic year. (Successful completion means achievement of a grade of C or higher in undergraduate course work and a grade of B or higher in graduate course work.)

## 2) Supervisor

- A) The Homemaker supervisor(s) shall be required to have knowledge and skill equivalent to completion of four (4) years of college, with courses in social science, home economics or nursing plus one (1) year of related experience. If the supervisor has a high school diploma or general education diploma, plus health service experience including at least two years supervisory experience, those qualifications are also acceptable. They shall further have working knowledge of homemaking, home management techniques and methods, social casework principles, effects of physical and mental illness on individuals and families, and inter-personal relationships.

- B) There shall be at least one (1) full-time supervisor for every twenty (20) full-time homemakers or equivalent full-time homemakers, where a full-time homemaker is one who works thirty-five (35) or more hours per week and an equivalent full-time homemaker is any number of part-time people

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homemakers whose work hours per week total thirty-five (35). However, if any duties of the Executive Director or Administrator, Section 712.400 (b) (1)), are delegated to a supervisor, the number of persons supervised is to be decreased proportionally to allow time for the supervisor to carry out these additional responsibilities.

- 3) Homemaker - Homemakers shall have: been passed physical examination as determined by a physician to be in good health and negative tuberculosis test prior to assignment on the job and an annual negative tuberculosis test thereafter; knowledge and skill equivalent to completion of four (4) years of high school; experience as a homemaker, either in own home or employment; knowledge of nursing care, first aid and personal and environmental hygiene; knowledge of all areas of budgeting, housekeeping, nutrition, food preparation and clothing care.

## g) Training and Staff Development

Homemaker(s) and supervisor(s) shall have at least the following training:

- 1) Orientation which shall include philosophy and purpose of homemaker service; function of homemaker service - preventive, protective, rehabilitative.
- 2) A minimum of twelve (12) hours of in-service training including disability awareness and Acquired Immunodeficiency Syndrome (AIDS) training annually directed towards increasing the homemaker's knowledge and strengthening their skills. Detailed records, supporting program training content and attendance at the training sessions, shall be maintained.

## h) Self-Evaluation

- 1) The Center's Provider shall have procedures for an annual self-evaluation of its service, including both program and case evaluation procedures.

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- 2) The program evaluation shall consist of assessment of quality of service with specific recommendations to its governing authority for improving the service. Case evaluation procedures shall provide for assessment of the effectiveness of the service in individual case situations as viewed by both the client and the ~~center~~ Provider.

## i) Equal Employment Compliance

- 1) The ~~Center~~ Provider must comply with the following federal and state equal employment opportunity laws and regulations:
- A) Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d).
  - B) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).
  - C) Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).
- 2) The ~~Center~~ Provider must provide DORS with a letter assuring compliance with the standards set forth in this subsection.
- 3) A copy of the ~~Center's~~ Provider's Affirmative Action Plan must be submitted to DORS.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_)

## Section 712.400 Essential Components of Homemaker Services

## a) Service Description and Components

- 1) The ~~Center~~ Provider shall provide professionally directed home management and personal care services by trained and professionally supervised homemakers who direct and provide planned services in the homes of clients who require the supportive, protective or teaching functions of a professional (see subsection (b)(3)) because no responsible person (e.g., immediate family member or guardian) or trained person (trained by client, hospital or

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rehabilitation center to provide any level of care required by the client) is available for this purpose. The homemaker is employed as a ~~Center~~ Provider staff member and works as a member of an agency team consisting of homemaker and supervisor.

2) Service may must include:

- A) Teaching, performing, and/or assisting with household, financial and time management;
- B) Teaching, performing, and/or assisting with meal planning and preparation and nutrition;
- C) Preparation of meals and snacks in conformance with the diet prescribed by the client's physician, assisting with medical treatment plan, as appropriate, and accompanying client, when required, to source of medical care;
- D) Personal care, and toileting including assisting the client with bathing and with mouth, skin and hair care which is not of a medical nature; and
- E) Observing and reporting behavior and activity to assist DORS counselor in assessment and case planning.

- 3) ~~The Center~~ Provider agrees to provide homemaker service on an emergency basis when authorized by DORS (e.g., client loses homemaker due to illness of homemaker, unexpected ~~of~~ the client is released ~~from~~ the hospital release ~~unexpectedly~~ with no homemaker service arranged or any other unforeseen circumstances). In such an emergency, the client or DORS shall contact the ~~Center~~ Provider by phone or in person.

- 4) The Provider agrees to respond to DORS staff within 48 hours regarding the disposition of a referral for Homemaker Services.

- 5) The Provider will designate a contact person who will be responsible for DORS referrals when the individual listed on the Agreement as the designee is not the actual contact person.

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- 6) The Provider will notify DORS staff if the homemaker is unable to provide regularly scheduled services for three consecutive days. This notification will be by phone on the fourth day following the absence.

## b) Staff

The ~~Center~~ Provider shall have a sufficient number of qualified staff as set forth in Section 712.300(f) of this Part to meet the needs of cases accepted for service and to administer this service, including sufficient clerical support staff to maintain all required records and reports. Staff shall have the following responsibilities:

- 1) Executive Director or Administrator - The Executive Director or Administrator's responsibility shall include planning and administration of the program; assuring adequate staff, serving as liaison between staff and governing authority and between staff and community; implementing policies according to regulations which govern the program and recommending policy and program changes to the governing authority. The Executive Director or Administrator may also be responsible for recruitment and training of workers, as well as having responsibility for intake.
- 2) Supervisor - The homemaker supervisor(s) shall be responsible for:
  - A) Accepting cases and ~~selecting~~ assigning homemakers ~~to be assigned~~ to each case;
  - B) Evaluating the quality, quantity and direction of service that is needed for each of the clients serviced by ~~subordinate~~ a homemakers;
  - C) Preparing the homemaker's schedule and enforcing it ~~seeing that it is adhered to,~~ and notifying that clients are ~~notified of~~ any necessary changes ~~in schedules;~~

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- D) Planning, and preparing and documenting weekly conferences and quarterly supervisory meetings with each ~~subordinate~~ homemaker. Conferences shall include a discussion of homemaker activities, observations of the homemaker, progress toward established goals, guidelines for future homemaker activity, helping the homemaker work effectively in each assignment within the casework plan;
  - E) Acting as a liaison between the homemaker, DORS, and any other agencies, arranging any necessary conferences with DORS and/or other agencies as necessary regarding client problems and progress, and arranging the most effective use of homemaker service, considering the overall plan for the family or individual;
  - F) Helping the homemaker ~~developing of~~ appropriate skills and attitudes ~~on the part of the homemaker to enable the homemaker~~ necessary to best serve clients;
  - G) Giving encouragement, support and recognition needed ~~for the~~ to homemakers ~~whose position involves responsibility, and often emotional strain;~~
  - H) Making semi-annual home visits to at least one client per homemaker to ensure that the services received by the client are satisfactory to the client and that the living conditions of the client are not substandard;
  - I) Preparing a written progress report for each home visit; and
  - J) Preparing monthly written service reports for each case client monthly (Section 712.300(e)(2)(D)).
- 3) Homemaker - Duties and responsibilities include:
- A) Helping to establish household routines;

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B Helping plan and prepare nutritious meals and special diets when necessary; teaches proper feed storage;

B Teaching proper clothing care;

C Performing routine housekeeping, such as making and changing of beds, dusting, washing dishes, vacuuming and keeping the kitchen and bathroom clean;

D Instructing clients in budgeting; assisting in preparation of shopping lists, encouraging good buying practices, and making the necessary purchases of food and other basic items where if the client cannot do the shopping;

E Planning and preparing meals and special diets where necessary, attempting to conform to family dietary habits, and keeping in mind proper nutrition and the family's food allowance, encouraging the family to correct inadequate or poor dietary practices;

F Giving non-medical personal care as needed - assistance with dressing, washing and bathing, care of teeth or dentures; demonstrating and instructing family members in good hygienic practices; may provide physical therapy under the supervision of medical personnel; may, at the doctor's request, assist with self-administered medication;

G Accompanying client to doctor's office and other places as necessary to conduct personal business; may be required by the Center to use own car to provide transportation as necessary;

H Preparing a written report of each case served. Keeping daily records of activities, observations, progress toward goals and direct hours of service; and

I Attending in-service training classes and staff conferences.

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## c) Staffings

The Contractor Provider shall participate in staffings with other agencies and professionals who are involved in the client's treatment plan. ~~for individual~~ for individual ~~clients.~~ clients. Conferences will be held, as requested, with DORS staff to ~~for the purpose of jointly reviewing~~ movement progress toward established goals and setting new goals for each case receiving service. Records of such staffings shall be maintained.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 712.1000 Homemaker Provider Standards

Before DORS will establish an contract Agreement with a new homemaker agency Provider, DORS will request of the agency, and evaluate, its the Provider's qualifications. The information required and the evaluation standards on which they are evaluated are specified in Appendix A of this Part. The submission of a Request For Proposal/Qualifications (RFQP) does not commit DORS to pay costs incurred in the preparation of this RFQP request response. If DORS does not receive a reply (the application and its attachments) from applicants within 30 working days of the date of the transmittal letter, the agency will not be considered for an contract Agreement. Within 60 working days of the receipt of an RFQP response, DORS will inform, in writing, applicants, in writing, within 60 working days of the receipt of an RFP whether they are being considered for contract Agreement negotiations. Only applicants who have received the minimum number of points, pursuant to Appendix A of this Part, will be considered for contract Agreement negotiations. If an applicant is selected as a homemaker provider, notification will be sent in an award letter and the effective date for the new contract Agreement will be at a minimum of least 21 working days from the date of the letter. Contract Agreement will be awarded to the agency with the highest score in a specific geographic area providing there is an established need for HSP Services (i.e., there is no current homemaker agency in the area, the agency provides additional hours not covered by existing Agreements Homemaker contracts, and current providers are not meeting the requirements of the contract Agreement). Information required for this evaluation are is:

## a) Service Delivery

- 1) a scope of home services, as described in Section 712.400(b)(3), currently provided,

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- 2) responses to referrals within 48 hours and written billing procedures,
  - 3) written billing procedures,
  - 4) back up systems and procedures for to handle unexpected worker absences and procedures to respond to client or Home Services Program HSP counselor complaints concerning services,
  - 5) comprehensive job descriptions, (i.e., any education and experience relative to an individual's position) as set forth in Section 712.400(b), for the Executive Director (or Administrator), Supervisor(s), and Homemaker(s),
  - 6) a ratio of one full-time supervisor for every 20 full-time or equivalent full-time homemakers, as set forth in Section 712.300(f)(2)(B), with regular supervisory follow-ups (e.g., on-site visit or written correspondence as needed) and conferences with clients as per Appendix A, Section (c)(3)(B)(viii) and conferences with homemakers per Appendix A, Section (c)(3)(B)(iv),
  - 7) documented in-service training, including a minimum of 12 hours of training in the philosophy and functions of homemaker service, as set forth in Section 712.300(g),
  - 8) a system of reports and records, including client records, monthly service reports, administrative records, and personnel records, as set forth in Section 712.300(e),
  - 9) hours of service available to the clients (e.g., evenings, weekends).
- b) Current Performance
- 1) the number of years the agency has provided homemaker service by geographic area over the past five years, by geographic area,
  - 2) a list of agencies (excluding state agencies) with which the homemaker agency has contracts,

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- 3) letters of recommendations, including 5 letters of reference from individuals or organizations that attest to the quality of services provided by the agency and one letter from DORS regional staff indicating the agency wishes to apply,
- 4) certifications or approvals by standard setting agencies, (i.e., National Homecare Council, and the Illinois Council of Home Health Services),
- 5) the presence of a self-evaluation process for both program evaluation and case evaluation, (see Section 712.300(h)),
- 6) the establishment of a local presence through a local office, and contacts with DORS local office and community groups and active (regular and on-going) recruitment selection of homemakers through local resources.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_)

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## Section 712.APPENDIX A Ratings Guide

- a) Agencies To qualifying for an ~~homemaker contract Agreement~~ a Provider must have a minimum of 46 points ~~for specific~~ items as indicated below. Failure to achieve the score designated for these items will disqualify the agency from receiving an ~~homemaker contract Agreement~~. ~~Contracts~~ Agreements will be awarded to the agency with the highest score in a specific geographic area providing there is an established need as identified by HSP field staff and contingent on availability of funds. Rating guidelines contained within this Appendix are excerpted from Sections II and III of HSP's Homemaker Request for Qualifications. Section I of HSP's Homemaker Request for Qualifications is an application with identifying information only and is not part of the scoring.

b) A minimum of 46 points is required for a ~~Contract~~ to be broken down as follows:

- 1) Section II - Service Delivery (See Subsection (eb) of this Appendix)

- A) (eb)(1)-8 points  
B) (eb)(3)-6 points  
C) (eb)(4)(B)-8 points  
D) (eb)(5)-10 points  
E) (eb)(6)-5 points

- 2) Section III - Performance Information (See Subsection (ec) of this Appendix)

- A) (ec)(3)(A)-5 points  
B) (ec)(3)(B)-2 points  
C) (ec)(5)-2 points

## be) Service Delivery

- 1) Type of Home Services (Requires at least 8 points). Responses B & C fail to meet minimum requirements for contract.

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- A) Agency identifies type of services and scope of services distinguishing between each type if more than one.  
(8 pts)
- B) Agency identifies type of services only, no description or distinction between each type if more than one.  
(0 pts)
- C) Agency identifies type and scope of services but no distinction between types of service.  
(0 pts)

- 2) Referral, Billing and Back-up Procedures

## A) Regular referrals

- i) Regular referrals scheduled for first appointment within 1-3 days following initial call from the client or referral sources.  
(4 pts)

- ii) Regular referrals scheduled for first appointment within 4-7 days following initial call from client or referral sources.  
(3 pts)

- iii) Regular referrals scheduled for first appointment within 8-14 days following initial call from client or referral sources.  
(2 pts)

- iv) Regular referrals scheduled for first appointment within 15 days or more following initial call from client or referral sources.  
(1 pt)

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## B) Billing Procedures

- i) Applicant designates a person to contact regarding billing errors or inconsistencies and indicates formal procedures to follow for reporting errors in billing.  
(4 pts)
- ii) Applicant designates only a person to contact regarding billing errors or inconsistencies or indicates only a formal procedure for reporting billing errors.  
(2 pts)
- iii) Applicant does not identify an individual nor a formal procedure to follow when reporting billing errors on inconsistencies.  
(0 pts)

## C) Back-up Procedures

- i) Applicant identifies a back-up system used when service provider is absent and an individual to contact regarding dissatisfaction with services and/or provider.  
(4 pts)
- ii) Applicant identifies only a back-up system for replacing absent provider or identifies only an individual to contact regarding service and/or provider problems.  
(2 pts)
- iii) Applicant does not identify back-up system nor an individual to report service and/or provider problems.  
(0 pts)

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- 3) Job Description/Qualifications (Requires at least 6 points)

## A) Executive Director or Administrator

- i) planning and administration of program
- ii) assuring adequate staff
- iii) serve as liaison between staff & governing authority/staff and community
- iv) implement policies according to regulations which govern program
- v) recommend policy and program changes to governing authority
- vi) recruitment, training workers, intake
- vii) if more than 1 local unit provides service, designate individual at each unit  
(2 pts)

## B) Supervisor

- i) accept cases, select assign homemakers to be assigned
- ii) evaluate quality, quantity, direction of service needed for each client served by homemakers
- iii) prepare and enforce homemaker schedule, adhere to, notify clients of changes
- iv) plan, prepare weekly conferences with each homemaker. Conferences include discussion of homemaker activities, observations of homemaker, progress toward goals, guidelines for homemaker activity, help homemaker work effectively in each assignment within plan
- v) serve as liaison between homemaker, DORS, other agencies - conferences as necessary re problems, progress, effective use of service

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- vi) develop appropriate skills, attitudes on part of homemaker to serve clients
- vii) encourage, support, recognize homemaker
- viii) conduct semi-annual home visits to at least 1 client per homemaker
- ix) prepare written reports of each Hhome visit
- x) prepare written service reports for each case monthly

(2 pts)

C) Homemaker

- i) help establish household routines
- ii) help plan, prepare nutritious meals and special diets
- iii) teach proper clothing care
- iv) perform routine housekeeping
- v) instruct clients in budgeting, preparation of shopping lists, good buying practices, necessary purchases of food, basic items if client cannot do the shopping
- vi) plan, prepare meals, special diets, mindful of family dietary habits, proper nutrition and family's food allowance, encourages corrective action if poor diet
- vii) provide personal care, assist with dressing, washing, bathing, care of teeth and dentures
- viii) demonstrates, instructs good hygienic practices
- ix) with a medical doctor (MD) request - assist with medications, physical therapy under supervision of medical personnel

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- ix) accompany client to the doctor MD and other places if necessary, use own car as necessary
- x) prepare written record of each case served - daily record of activities, observations, progress to goal, hours of service
- xi) attend in service training classes and staff conferences

(2 pts)

4) Personnel/Assignment

- A) Applicant provides all the requested information (number of current personnel in each classification, information for each local unit, if applicable, staff assignments by type of service; local unit address, geographic coverage, and person in charge).
- (3 pts)
- B) Supervisor/Homemaker Ratio (Requires at least 8 points)
  - i) One full-time supervisor for every 20 full-time homemakers or equivalent full-time homemakers.
    - full-time homemaker works 35 or more hours/week
    - equivalent full-time homemaker - any number of part time homemakers whose work hours/week total 35
    - (4 pts)
  - ii) Semi-annual in home supervisory visits, one client per homemaker.
    - (2 pts)
  - iii) Homemaker/supervisor weekly telephone or face-to-face conferences weekly.

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(2 pts)

- iv) Monitoring homemaker ~~provide~~ to ensure care plan followed.

(2 pts)

Total 10 pts

- 5) Training of Homemakers and Supervisors (Requires at least 10 points)

- A) Orientation (philosophy, purpose of homemaker service, function of homemaker service - preventive, protective, rehabilitative).

(2 pts)

- B) Minimum 12 hours in-service annually (increase knowledge and strengthening skills).

(6 pts)

- C) Detailed records

- i) content
- ii) attendance
- iii) hours
- iv) date
- v) qualifications of trainers

(2 pts)

- 6) Records/Reports (Requires at least 5 points)

- A) All referrals, requests for services, disposition of referrals and requests.

(1 pt)

- B) Client records

- i) dates, time, provider's name

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- ii) supervisor/homemaker weekly conferences
- iii) semi-annual visit report

(1 pt)

- C) Monthly service report submitted to DORS

- i) services provided
- ii) problems related to plan
- iii) changes (client status, condition)
- iv) recommended changes in service plan
- v) two-way receipts of all money transactions (homemaker/client)
- vi) staffings

(1 pt)

- D) Administrative records

- i) cumulative service statistics
- ii) attendance of homemakers
- iii) schedules for homemakers
- iv) billing/payment records

(1 pt)

- E) Personnel records

- i) individual qualifications for position
- ii) wage rate, effective date
- iii) daily attendance
- iv) probationary evaluations after 6 months of initial employment
- v) annual evaluation/ability to perform tasks, activities

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- vi) record of orientation, training/name of instructors, hours, dates
- vii) record of sick, vacation dates
- viii) auto liability insurance of \$15,000 bodily injury per person - minimum limit \$30,000/per occurrence, \$10,000 property damage insurance if transport client in private automobile
- ix) keep records 5 years

(1 pt)

## 7) Hours/limitations

- A) Regular service hours only 8:30 a.m.-5:00 p.m. (1 pt)
- B) Expanded hours after 5:00 p.m. and before 8:30 a.m. (2 pts)
- C) Services available M-F only (1 pt)
- D) Services available weekends (2 pts)
- E) Services available on legal holidays (1 pt)
- F) Agency indicates no limits re personal care services, nor minimum units required to serve a case or limits regarding client disabilities. (1 pt)

## d) Performance Information

- 1) Past experience in Geographic Area

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- A) Agency established in specific area 5 years or more (5 pts)
- B) Agency established in specific area 2-4 years or more (2 pts)
- C) Agency established in specific area 1 year or less (months) (1 pt)
- D) Agency is new, no services in area previously (0 pts)

## 2) Other contracts (maximum points for this item is 5)

For each contract applicant has or previously has had for purchase of homemaker service other than with State agencies.

(1 pt)

## 3) References

- A) Letters of reference (1 point for each letter). (Requires at least 5 points)
- B) DORS Letter (Requires at least 2 points)
  - i) Informational letter only from regional staff indicating the agency wishes an application for an ~~ent~~ ent Agreement (2 pts)
  - ii) Letter from regional staff identifies need for an ~~ent~~ ent Agreement from a particular agency for at least one of the following reasons:

. no other homemaker agency in the area

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- this agency provides additional hours (evenings, weekends) not covered by existing ~~services~~ Agreements
  - current providers unable to handle the homemaker demand in specific area
  - DORS staff dissatisfied with current homemaker provider(s)
- (6 pts)

iii) Letter from regional staff identifies the agency's experience and past reputation as a provider of homemaker service.

(4 pts)

## 4) Certification/Approvals

Applicant receives 1 point for each certification or approval by standard setting organization (See Section 712.1000(b)(4)).

Maximum (2 pts)

## 5) Evaluation (Requires at least 2 points)

## A) Program Evaluation

- i) regarding quality of services
- ii) recommendations for improving proposed and followed

(1 pt)

## B) Case Evaluation

- i) effectiveness of services in individual case situation
- ii) client/provider viewpoint regarding service delivery and quality of services

(1 pt)

## 6) Community Responsiveness

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## A) Establishing local presence

- i) Applicant established local office and phone in area served
- (1 pt)

ii) Applicant contacted DORS staff in area by phone only to discuss services, referrals and application for homemaker ~~service~~ Agreement

(1 pt)

iii) Applicant met with DORS staff in area to discuss services, referrals and application for homemaker ~~service~~ Agreement

(2 pts)

iv) Applicant identifies specific community, civic, religious organizations and clubs contacted regarding services and referrals.

(1 pt)

## B) Recruitment/selection of homemakers

- i) Applicant contacts job service, DORS offices, local hospitals and social agencies regarding need for homemakers, as well as advertising in local newspapers.

(2 pts)

ii) Applicant contacts area junior colleges or universities, vocational and technical schools, for potential homemakers.

(2 pts)

iii) Homemaker applicants' references are checked, experience evaluated and checked.

(2 pts)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- iv) Homemaker applicants are interviewed and evaluated by the agency Executive Director/Administrator and Homemaker supervisor as part of the selection process.

(1 pt)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical, Psychological, and Related Services
- 2) Code Citation: 89 Ill. Adm. Code 587
- 3) Section Numbers:  
587.105 New Section  
587.110 Amendment  
587.120 Amendment
- 4) Statutory Authority: Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a), (b), and (k)).

- 5) A Complete Description of the Subjects and Issues involved:  
The amended and new sections bring DORS into compliance with the Hearing Aid Consumer Protection Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐

- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Section Numbers Proposed Action Illinois Register Citation  
Statement of Statewide Policy Objectives (if applicable):  
Not Applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Janice Lobb  
Regulations and Training Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 587

MEDICAL, PSYCHOLOGICAL, AND RELATED SERVICES

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

Section	General Applicability
587.10	Criteria for Medical Services
587.20	Exclusion from Medical Services
587.30	Written Recommendations from Physicians
587.40	Medical Service Providers
587.50	Treatment for Acute Conditions
587.60	Medication
587.70	Ear Examinations (Repealed)
587.100	Payment for Hearing Aids
587.105	Hearing and/or Hearing Aid Evaluations
587.110	Binaural Hearing Aids
587.120	Speech and Language Services
587.130	Low Vision Aids
587.200	Mental Restoration Services
587.300	Heart Surgeries
587.400	Intestinal By-Pass or Stapling Surgery
587.410	Abortions
587.420	Transsexual Surgery
587.430	Organ Transplants
587.440	Chiropractic Services
587.450	Prosthetic or Orthotic Devices
587.500	Wheelchairs
587.510	Experimental Stage Therapeutic Devices or Procedures
587.600	

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8813, effective June 10, 1985; amended at 10 Ill. Reg. 13671, effective August 4, 1986; amended at 11 Ill. Reg. 5309, effective March 11, 1987; amended at 12 Ill. Reg. 15621, effective September 16, 1988; amended at 13 Ill. Reg. 1850, effective January 27, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 587.105 Payment for Hearing Aids

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Payment for hearing aids is contingent upon providers fitting and dispensing hearing aids in accordance with the requirements set forth in the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.)

(Source: Added at 14 Ill. Reg. effective \_\_\_\_\_).

## Section 587.110 Hearing and/or Hearing Aid Evaluations

A hearing aid evaluation by an audiologist who has passed the American Speech-Language-Hearing Association's (ASHA) Certificate of Clinical Competence (CCC) in Audiology is required for all clients for whom a hearing aid will work best for the client.

a) A hearing evaluation or a hearing aid evaluation is required for all clients for whom a hearing aid has been recommended, to evaluate which hearing aid will work best for the client.

1) For an individual who has not had a previous hearing evaluation, an initial evaluation must be completed by an audiologist who has passed the American Speech-Language-Hearing Association's (ASHA) Certificate of Clinical Competence (CCC) in Audiology.

2) For an individual who has had a previous hearing evaluation prior to the individual becoming a DORS client, a subsequent evaluation must be completed by:

A) a licensed audiologist, pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act (Ill. Rev. Stat. 1988 Supp., ch. 111, par. 7901 et seq.), who has passed the ASHA CCC in Audiology;

B) a licensed audiologist, pursuant to the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.); or

C) a hearing aid dispenser licensed pursuant to Section 8 of the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

b) Vendors not approved for diagnostic services prior to the effective date of this Section must be approved by the Manager or designee, Division of Services for the Hearing Impaired (DSHI). Minimum requirements for approval are:

1) testing must be conducted within an acoustically treated suite;

2) the maximum allowable ambient noise levels during audiometric testing must be at or below that set out by the American National Standards Institute (ANSI S3.1-1977);

3) a minimum 30 day free trial period for hearing aid purchases must be available; and

4) the vendor must be able to do testing both with ear phones and in a sound field (any test environment in which auditory stimuli are presented via a calibrated audiometer through one or more loudspeakers).

(Source: Amended at 14 Ill. Reg. effective \_\_\_\_\_)

## Section 587.120 Binaural Hearing Aids

a) A determination to purchase a binaural hearing aid must take into consideration the client's need based on the vocational goals established in the client's IWRP and recommended by the client's physician to:

- 1) identify source and direction of speech or
- 2) increase discrimination ability.

b) If subsection (a) (1) is the case, the majority of communication in which the client will be involved in at work must occur within a group of 10 or more and the client must report significant improvement in hearing after a 30 day trial period with the hearing aid.

c) If subsection (a) (2) is the case, there must be a difference in discrimination scores as reported by an licensed audiologist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act (Ill. Rev. Stat. 1988 Supp., ch. 111, par. 7901 et seq.), or by a hearing aid dispenser licensed pursuant to Section 8 of the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987,

## DEPARTMENT OF REHABILITATION SERVICES

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ch. 111, par. 7401 et seq.) of 10% for binaural (two aids) testing compared to monaural (one aid) testing. Also, the best aided discrimination ability must be at least 70%.

(Source: Amended at 14 Ill. Reg.  
effective \_\_\_\_\_)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3) Section Numbers:

1650.110  
1650.210  
1650.230  
1650.290  
1650.320  
1650.325  
1650.340  
1650.350  
1650.360  
1650.370  
1650.410  
1650.440  
1650.450  
1650.520

Proposed Action:

Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment

4) Statutory Authority: Ill. Rev. Stat., 1987 and 1988 Supp., ch. 108 1/2, pars. 16-106; 16-118; 16-121; 16-127; 16-130; 16-149; 16-149.1; 16-149.2; 16-150; 16-155; 16-168.

5) A complete description of the Subjects and Issues Involved:

1650.110 Specifies additional documents the System may request for examination in order to determine the correct amount of creditable service and salary. Provides authority to establish part-time equivalence (where applicable) of salaries attributable to optional service credit, where actual and accurate salary information is unavailable. Deletes requirement that members inform System of place of birth on the member information record.

1650.210

Makes clear that applications for occupational disability benefits are governed by the same rules that govern applications for retirement, survivor, or regular disability benefits. Moves the rules governing effective date of benefits from section on service credit to section on benefit application. Sets standards for deciding issues relating to commencement of eligibility. Deletes requirement that member provide

a "verified report of all service credits," which is an obsolete form. (This rule, as with all other applicable TRS rules, has been amended to eliminate references to "temporary" disability benefits and "accidental" disability benefits, and substitutes the terms "disability benefits" and "occupational disability benefits," to conform with revisions in the language of the Pension Code.)

1650.230 Enacts changes in terminology only, relative to medical examinations and investigations of claims, to reflect statutory change from "accidental" to "occupational" disability, etc.

1650.290 Same as above, relative to offsets for workers' compensation benefits.

1650.320 Amends method of calculating service credits for substitute and part-time service to conform with statutory amendments, as enacted in Public Act 86-273, affecting contributions and credit for such service.

1650.325 Clarifies distinction between methods of calculating service credit for periods when member is in receipt of disability as opposed to occupational disability benefits. (For regular disability benefits, service credit is earned during periods in which disability benefits are paid; for occupational disability, service credit is earned during the period of disability.)

1650.340 Clarifies distinctions between service credit requirements for sabbatical leave as opposed to other leaves of absence. Specifies standard to be used for determining when a leave of absence is creditable.

1650.350 Provides that certain qualified accumulated personal leave days (i.e., if they were actually available for use by a member in the event of illness) will be treated for credit under same standards as sick leave days.

1650.360 Provides that System credit granted pursuant to labor contract litigation includes earnings credit as well as service credit, and includes amounts established through settlement agreement as well as through court judgment.

1650.370 Provides that if a member receives less than one year of service credit in any school year, the salary used for purposes of final average salary shall consist of the member's creditable earnings; amends language to clarify that standard is "school year" as opposed to "calendar year" and "creditable service" as opposed to "employment."

1650.410 Amends rule governing refunds of contributions for duplicate service to make clear that it applies not only to out-of-state service but to all out-of-system service (i.e., service under Article 17 of the Pension Code, in Chicago public schools).

1650.440 Amends rule for the waiving by the System of small deficiencies from \$10 to \$25.

1650.450 Amends the salary rule in an attempt to make the System's authority more clear, and to make the standards of determination more precise. For example, clarifies that the definition of severance pay includes retirement incentives, lump sum bonuses, and payments for unused vacation and sick days. Provides for reporting as salary the value of flexible benefit plans. Provides that salary reportable to the System shall not include employee or employer contributions required by the statutory early retirement option. Provides standard for determining whether benefits converted to salary in the final years of service should be allowed as creditable earnings. Provides that any amounts payable to a member as a result of labor or employment litigation are defined as salary only to extent member would have earned such amounts had the dispute not occurred.

1650.520 Amends post-retirement employment limits from 75 days and 375 hours to 100 days and 500 hours within any one school term, to conform with statutory amendment enacted in Public Act 86-273.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

8) Do these proposed amendments contain incorporations by reference?  
No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rules may be submitted in writing for a period of 45 days following publication of this Notice.

Joan T. Hancock, General Counsel  
Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

a) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable

b) Types of small businesses affected: None

c) Reporting, bookkeeping or other procedures required for compliance: None

d) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER III: TEACHERS' RETIREMENT SYSTEM

PART 1650

THE ADMINISTRATION AND OPERATION OF THE TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
1650.10  
Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
1650.110  
Membership Records  
1650.120  
Claims Records (Repealed)  
1650.130  
Individual Accounts (Repealed)  
1650.140  
Ledger and Accounts Books (Repealed)  
1650.150  
Statistics (Repealed)  
1650.160  
Confidentiality of Records  
1650.180  
Filing Requirements - Penalty Provisions

SUBPART C: FILING OF CLAIMS

Section  
1650.210  
Claim Applications  
1650.220  
Reclassification of Disability Claim (Repealed)  
1650.230  
Medical Examinations and Investigations of Claims  
1650.240  
Refunds  
1650.250  
Death Benefits  
1650.260  
Evidence of Age  
1650.270  
Evidence of Dependency  
1650.280  
Evidence of Marriage  
1650.290  
Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section  
1650.310  
Effective Date of Membership  
1650.320  
Method of Calculating Service Credits  
1650.325  
Method of Calculating Service Credit for Recipients of a Temporary or Accidental Disability Benefits or Occupational Disability Benefit  
1650.330  
Duplicate Service Credit  
1650.340  
Service Credit for Leave of Absence or Sabbatical Leaves

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## NOTICE OF PROPOSED AMENDMENTS

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1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement  
 1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract Litigation  
 1650.370 Calculation of Average Salary

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## SUBPART I: RULES OF ORDER

Section  
 1650.410 Refunds for Concurrent-Service-and-Dual-Employment Duplicate Service  
 1650.420 Interest on Deficiencies (Repealed)  
 1650.430 Installment Payments (Repealed)  
 1650.440 Small Deficiencies, Credits or Death Benefit Payments  
 1650.450 Definition of Salary

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section  
 1650.505 Beneficiary (Repealed)  
 1650.510 Re-entry Into Service  
 1650.520 Suspension of Retirement Annuities  
 1650.530 Power of Attorney (Repealed)  
 1650.540 Conservators/Guardians  
 1650.550 Presumption of Death  
 1650.560 Benefits Payable on Death  
 1650.570 Survivors' Benefits  
 1650.580 Evidence of Eligibility

## SUBPART G: ATTORNEY GENERALS' OPINION

Section  
 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

## SUBPART H: ADMINISTRATIVE REVIEW

Section  
 1650.610 Staff Responsibility  
 1650.620 Right of Appeal  
 1650.630 Form of Written Request  
 1650.640 Prehearing Procedure  
 1650.650 Hearing Procedure  
 1650.660 Rules of Evidence  
 1650.710 Amendments

Section  
 1650.810

## Parliamentary Procedure

AUTHORITY: Implementing and authorized by Sections 111. Rev. Stat., 1987 and 1988 Supp., ch. 108 1/2, pars. 16-106; 16-118; 16-121; 16-127; 16-130; 16-149; 16-149.1; 16-149.2; 16-150; 16-155; and 16-168, as amended by Public Act 86-0273, effective August 23, 1989.

## SOURCE:

Filed June 20, 1958; emergency rule adopted at 2 Ill. Reg. 49, p. 249 effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at \_\_\_ Ill. Reg. \_\_\_, effective

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART B: BASIC RECORDS AND ACCOUNTS

## Section 1650.110 Membership Records

- a) Every member shall provide information with respect to his or her date and place of birth, Social Security number and home address including a facsimile of his or her signature.
- b) Creditable service and salary is established by submission of annual reports (filed by the member's employer), or an affidavit of a school official based upon existing school records, or copies of contracts, board minutes, memoranda, payroll records and other materials as requested by the System for assistance in making the necessary determinations. If the preceding documentation is unavailable, the member shall submit at least one of the following types of documentation in the following order of priority:
  - 1) Certified records of the Chief Educational Officer of the County in which the member was employed.
  - 2) Income tax records for the entire time period showing employment as a teacher.
  - 3) Certified records of another retirement system.
  - 4) Such other documentation found by the System to be trustworthy, such as that produced by independent third parties.
- c) Whenever the salary information for a period of creditable service is unavailable, the System shall establish a salary (and assess contributions at the applicable statutory rate) which is equal to the member's first full-time salary paid succeeding the time period in question. When applicable, the System shall convert the first full-time salary paid succeeding the time period in question to its part-time equivalent.

(Source: Amended at \_\_\_ 111. Reg. \_\_\_\_, effective \_\_\_\_.)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## SUBPART C: FILING OF CLAIMS

## Section 1650.210 Claim Applications

- a) Any individual claiming a retirement annuity, a disability retirement annuity, a survivor benefit, or a disability benefit or an occupational disability benefit shall file an application therefor in the form prescribed by the System. This application, together with the membership record, a verified report of all service credits obtained by the member and such other information as may have been compiled during the membership of the member or submitted by the applicant shall constitute the complete record forming the basis of the claim. An application for survivor benefits shall be accompanied by a certified copy of the death certificate, other public record of death, or a physician's certificate. The applicant for a survivor benefit shall furnish proof of heirship, such as a court order or an affidavit of heirship.
- b) When 90 or more days have elapsed subsequent to the commencement of a member's disability, oral or written notification of the disability shall be deemed sufficient to commence accrual of benefits. Provided, however, if the System fails to receive the documentation required by Section 16-149 or Section 16-149.1 of the Act within six months of the initial notification no benefits will accrue until that documentation is received by the System.
- c) Disability benefits become payable the later of:
  - 1) The 31st calendar day after commencement of absence due to disability;
  - 2) Upon exhaustion of the member's sick leave or (if sick leave not paid by employer) when the sick leave would have been exhausted had the member been paid; or
  - 3) The date the System receives notification of disability if more than 90 days after commencement.
- d) When an individual claiming disability benefits is employed under an agreement for less than 12 full months, neither the 31-day waiting period nor the utilization of sick leave requirement, as contained in subsection (c), is satisfied during periods not covered by the agreement. For purposes of granting disability benefits it will be presumed that all

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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employment agreements cover one full school term and are automatically renewable at the commencement of the next school term. Satisfactory evidence must be presented of an employment agreement covering a longer period (e.g., 10, 11 or 12 months). Satisfactory evidence will consist of a written statement from the employer.

e) Occupational disability benefits become payable the later of:

- 1) The date the System receives notification of disability if more than 90 days after commencement; or
- 2) Upon the exhaustion of the member's sick leave or when the sick leave would have been exhausted had the member been paid.

f) When an individual claiming occupational disability benefits is employed under an agreement for less than 12 full months, the utilization of sick leave requirement in subsection (e) is not satisfied during periods not covered by the agreement. The same presumptions and evidentiary requirements regarding the terms of the employment agreement will be applied under this subsection (f) as under subsection (d) above.

e g) Receipt by the System of an application for a retirement annuity and any outstanding payments terminates membership in the System. The death of an applicant is deemed death-out-of-service when calculating survivor benefits.

d h) A member may request, in writing, a transfer to a disability retirement annuity prior to the expiration of the eligible period for temporary disability benefits. The effective date of the annuity shall be the first of the month following receipt of the request.

e g) Whenever a member resumes teaching after receipt of a disability benefit or occupational disability benefit but is subsequently disabled for the same cause within 90 days, benefits shall be reinstated at the previous rate upon written application. Benefits will commence the day following the last day the member is paid by his or her employer.

(Source: Amended at \_\_\_ 111. Reg. \_\_\_, effective \_\_\_\_.)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

## Section 1650.230 Medical Examinations and Investigations of Claims

a) Each member seeking a disability benefit, occupational disability benefit, or a disability retirement annuity shall provide the System with written reports by two or more licensed and practicing physicians certifying that the member is disabled and unable to properly perform the duties of his or her position. Provided, however, in the case of disability due to pregnancy, the member shall provide the System with a written report by one licensed and practicing physician certifying that she is disabled and unable to perform the duties of her position.

b) In order to substantiate the member's or the annuitant's continued eligibility for a disability benefit, occupational disability benefit, or a disability retirement annuity, the System shall require that the member or annuitant submit to additional medical examinations and shall request hospital records; Department of Employment Security earning statements; Social Security benefit payment information; income tax records; and other pertinent information, under the following circumstances:

- 1) There is disagreement among examining physicians;
- 2) The medical examinations were inadequate to substantiate continued disability. A medical examination is considered inadequate when:
  - A) a report is incomplete; or
  - B) a report was not completed within the last three months; or
  - C) the duration of disability is shorter than the period between the date of the medical examination and the date of the submittal of the report.
- 3) There is evidence an impartial medical examination was not performed. An impartial medical exam is not performed when the physician is:
  - A) related to the teacher; or
  - B) a friend of the teacher.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

4) There is a reasonable basis to believe the member is no longer disabled. A reasonable basis exists when:

- A) the System receives statements by third parties that the teacher was engaged in activities which would be prohibited by his or her stated disability; or
- B) the System receives inquiries by teachers receiving temporary or accidental disability benefits, disability retirement annuity or occupational disability benefit regarding the work which they may perform.

5) The member is found to be gainfully employed.

c) Members or annuitants in receipt of temporary disability or accidental disability benefits or occupational disability benefit shall be requested to submit to medical examinations at least once each year. When a temporary disability terminates, and a member requests retirement on a disability retirement annuity, the member shall submit to a medical examination, unless the member was examined within the preceding six months, in which case no new medical examinations are required.

d) The System retains the right to require members or annuitants to submit to medical examinations by physicians selected by the System, at its own expense. These examinations may be in addition to the written reports tendered by the member or the annuitant. Such examinations shall be required when prior medical examinations were inadequate, when there is a question regarding the independence of the physician or when the forms are not completed properly.

e) Failure of a member or an annuitant to submit to medical examination, or to provide the information required pursuant to Sections 16-149 through 16-149.2 of the Act shall result in suspension of payments.

f) The term "licensed physician" means any individual licensed by the State in which they practice as a medical doctor. All licensed physicians shall be requested to submit their registration number on all reports submitted to the System.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## Section 1650.290 Offsets

a) Benefits received by a member under the Workers' Compensation Act 1983 (Ill. Rev. Stat. 1983, ch. 48, par. 138.1 et seq.) or the Worker's Occupational Diseases Act (Ill. Rev. Stat. 1983, ch. 48, par. 172.36 et seq.) with respect to a disability shall be applied as an offset against any accidental occupational disability benefit provided by the System with respect to the same accident, illness or disease.

1) If the amount of compensation received is less than the monthly benefit provided under the Illinois Pension Code, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the System. If the amount of compensation received equals or exceeds the monthly benefit provided under the Illinois Pension Code, no benefit shall be payable by the System during the period compensation is paid under the Worker's Compensation or Worker's Occupational Diseases Acts.

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation or Workers' Occupational Diseases Acts.

3) In the event the whole or any part of the benefits received under the Workers' Compensation or Workers' Occupational Diseases Acts is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

5) An offset shall not be applied to medical expenses paid on behalf of or to the claimant.

b) Whenever the System determines benefits should not have been paid, for any reason, it shall require the recipient to pay the full amount due in one payment, or, to repay the amount

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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due within a period of time and according to terms negotiated by the parties considering whether fraud or error resulted in the payments; the financial ability of the recipient; and the life expectancy of the recipient.

- c) Whenever any annuitant or beneficiary dies owning money to which the annuitant or beneficiary was not entitled, the System shall offset any account receivable against any survivor benefits payable as a result of the annuitant's or beneficiary's death.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## Section 1650.320 Method of Calculating Service Credits

- a) No more than one year's service credit shall be granted for total service rendered between July 1 of one year through June 30 of the following year.
- b) If the service rendered on a full-time basis, substitute basis, or part-time on-a-permanent-and-continuous basis (except permanent and continuous part-time basis prior to July 1, 1990) is less than 170 days between July 1 of one year through June 30 of the following year, then credit for service shall be at a ratio of the actual number of full days taught of service to the number of days in the legal school term of or the member's employment agreement, whichever is greater. For the purposes of the Section, a member is deemed to have taught when paid sick leave by an employer.

- c) Service credit for service rendered on a permanent and continuous part-time basis prior to July 1, 1990, between July 1 of one year through June 30 of the following year, shall be at the ratio of creditable earnings to the annual salary rate. Provided, however, that for service after June 30, 1959, if such ratio equals or exceeds the ratio of 170 days to the days in the legal school term, one year of service credit shall be granted.

- d) If service prior to July 1, 1990 is rendered partially on a full-time basis and partially on a permanent and continuous part-time basis between July 1 of one year through June 30 of the following year, then credit for service shall be at the

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ratio of creditable earnings to the annual salary rate. Provided, however, that for service after June 30, 1959, if such ratio equals or exceeds the ratio of 170 days to the days in the legal school term, one year of service credit shall be granted.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1650.325 Method of Calculating Service Credit for Recipients of a Temporary or Accidental Disability Benefits or Occupational Disability Benefit

- a) Service credit is earned during periods in which disability benefits are paid.

Service credit is earned commencing with the later of 31 calendar days after the disability commences or upon the member's exhaustion of sick leave. When the employer refuses to pay sick leave, service credit commences when the sick leave would have been exhausted had it been paid. When an individual is employed under an agreement for less than 12 full months, neither the 31 days requirement nor the utilization of sick leave requirements are satisfied during periods not covered by the agreement.

- b) Service credit is earned during periods of occupational disability.

- c)b) When a member teaches a partial school year and receives disability or occupational disability benefits a partial school year, one full year of service credit is earned when the member is without earnings for 21 calendar days or less receives earnings from teaching and disability or occupational disability benefits for a total of 170 days during the school term or the term of the employment agreement if longer.

- d)e) When a member's disability or occupational disability occurs in one school year and the disability or occupational disability benefit becomes payable the following school year, one full year of service credit is earned when the member receives earnings from disability or occupational disability benefits for a total of 170 days during the school term or the term of the employment agreement if longer.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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Section 1650.340 Service Credit for Leave of Absence or Sabbatical Leaves  
Service credit for a leave of absence or sabbatical leave shall be granted to members provided the following requirements are met:

- a) Upon return from the leave, the member establishes credit on a full-time basis for at least the lesser of the period of the leave or one school year.

Service credit for sabbatical leave shall be granted when the leave meets the requirements of sabbatical leave according to section 24-6.1 of the Illinois School Code, Ill. Rev. Stat., ch. 122, par. 24-6.1.

- b) If the member returns to teaching on less than a full-time basis, 10 clock hours weekly, in a position which services are rendered the lesser of the period of the leave or one school year.

For purposes of granting service credit for an approved leave of absence, the statutory return-to-teaching requirement is met when the member establishes credit with this System for at least the lesser of the creditable period of the leave or one year.

- c) The full amount of the contributions required by statute are paid.

For purposes of this section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its approve the request for leave.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

- a) To be creditable for retirement purposes, sick leave days must have been actually available for use by a member in the event of illness. Service credit is not available and shall not be computed for sick leave days added to the credit of a teacher at the time of termination of service for the purpose of increasing a member's retirement service credit.

- b) Unused and uncompensated sick leave days are not eligible for service credit at retirement when the member receives direct compensation for such days. Direct compensation means payment of salary, wages, fringe benefits, contributions, bonuses and lump sum payments before or after retirement. Notwithstanding the foregoing provisions of this subsection (b), a member is not deemed compensated if his or her employer maintains or establishes a reward system (based upon daily attendance of employees) which pays additional benefits to a member (including but not limited to salary) and which does not reduce the accumulated sick leave days available for use and credited to the member by the employer.

- c) For purposes of calculating a retirement annuity, the System shall not grant service credit for any days withdrawn by the member from a sick leave bank in excess of the days deposited therein and unused by the member.

- d) Accumulated personal leave days are governed by the same standards set forth in subsection (b) above for sick leave days, but only if they were actually available for use by a member in the event of illness.

- de) Accumulated personal leave or vacation days are not creditable with the System.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract Litigation

- a) When a member loses service credit and creditable earnings as a result of a disputed dismissal or suspension and a judgment or agreement is entered resulting in an award or agreed amount of settlement to the member, service and earnings credit shall be granted provided:

- 1) the award or settlement agreement identifies the time period for which the member should have received service credit and the amount of salary allocable under the award or agreement to each school term; and,

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 2) the required contributions required for service credit are paid within one year of the award or agreement, otherwise interest shall be charged at the applicable statutory rate from that date as specified in Sec. 16-112 of the Act.

- b) Provided, however, if the cash award or settlement amount is either more or less than what the member's salary rate would have been for any school term the time period in question, the contributions shall be assessed against that which the member would have earned had the dispute not occurred.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1650.370 Calculation of Average Salary

- a) The member's annualized salary rate, consisting of wages or compensation earned, shall be used by the System when calculating average salary. Provided, however, if a member receives less than one year of service credit in any school year, salary shall consist of creditable earnings.

- b) The highest four consecutive school years of employment service within the last ten years of creditable service shall be deemed the four highest consecutive credit years posted to the member's account. Provided, however, if a member is credited with less than one school year, the System shall use partial consecutive years to establish four consecutive years of salary.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section 1650.410 Refunds for Concurrent-Service-and-Dual-Employment Duplicate Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, a refund of such contributions shall be made.
- b) If a member contributes to the System for out-of-statesystem teaching service, but is unable to claim all of this service at the date of retirement, then a refund of contributions for

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such excess out-of-statesystem service shall be paid to the member. Regular interest as defined in Article 16 of the Illinois Pension Code shall be paid for the period from the date of complete payment of contributions for out-of-statesystem teaching service to the end of the month preceding application for benefits.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1650.440 Small Deficiencies, Credits or Death Benefit Payments

No statements for an account receivable, account payable, death benefit payments, or refunds shall be charged or issued to members, annuitants, or beneficiaries or employers for deficiencies, credits or payments to individuals, amounting to less than \$10.00 25.00 unless demanded by the individual.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1650.450 Definition of Salary

- a) Any recognized emolument of value that is received, actually or constructively, by a member in consideration for services rendered as a teacher. Subsection (b) of this rule lists the more common elements of compensation that are recognized by the System as "salary" for purposes of illustration. For further illustration, subsection (c) mentions several examples of items not recognized by the System as "salary." However, "salary" within the meaning of §16-121 of the Pension Code is not limited to the items so enumerated.

- b) The Examples of salary amounts to be reported to the System shall include:

- 1) The gross amount of wages or compensation earned or accruing to the member during the legal school term or the length of his or her employment agreement, whichever is greater, in a function requiring certification as a teacher, and payable by the employer at termination of service, up to the limit that can be taken into account under the Internal Revenue Code's limitations on qualified pension plans;
- 2) Wages or compensation for overtime or extra service;

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3) The amount payable, exclusive of court costs, attorney's fees and punitive damages, as a result of a settlement or judgment obtained due to a disputed dismissal, suspension or demotion; provided that the salary amount reported to the System under this Subsection shall be equal to that which the member would have earned had the dispute not occurred.

4) Any fringe benefits taxable under the Internal Revenue Code and recognized by the System.

4)5) Severance pay (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) received prior to termination of employment by member or becoming due and payable to member prior to or concurrent with receipt of final paycheck for regular earnings; and;

5)6) Contributions made by or on behalf of the member to deferred compensation plans, salary reduction plans or tax sheltered annuities; and

6) Amounts that would otherwise qualify as salary and wages under subdivisions (a)(1) through (a)(5) of this subsection but are not received directly by the member because they are used to finance benefit options in a flexible benefit plan.

c) b) The Examples of salary amounts not to be reported to the System shall not include:

1) Any severance payment (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) becoming due and payable to member subsequent to receipt of final paycheck for regular earnings made after termination of employment;

2) Any lump sum payment made after the death of the member;

3) Expense reimbursements, expense allowances, or fringe benefits unless included in a reportable flexible benefit plan; arising out of and relating to employment

4) Any monies received by the member under the Workers' Compensation Act or the Workers' Occupational Diseases Act; and;

5) Any amount paid by an employer in lieu of previously nonreportable earnings or benefits which are converted to reportable earnings paid an employee in the last years of service when one of the purposes of the change in compensation structure is to increase for the purpose of increasing a member's average salary. If the member's non-creditable compensation in any of the last seven creditable school years of employment exceeds that of any other subsequent year, the System will presume the difference, unless resulting from the terms of a collective bargaining agreement, to have been converted into salary and wages in the subsequent year for the purpose of increasing final average salary. To overcome the presumption, the member must submit documentary evidence to the System which clearly and convincingly proves that the purpose of the change in compensation structure was not to increase average salary; and

6) Any amount paid by an employer as the employer's one time contribution (or on behalf of the employee as the employee's one-time contribution) required by the System as part of the statutory early retirement option in Section 16-133.2 of the Pension Code.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

## Section 1650.520 Suspension of Retirement Annuities

a) Annuity recipients receiving a retirement annuity may be employed as teachers not in excess of 75 100 days or 375 500 hours within any one school term. Employment in excess of 75 100 days or 375 500 hours within any one school term shall result in termination of payment. When such employment has terminated, the member may re-apply for retirement annuity to be payable effective on the day following termination of employment.

b) Any annuitant may have his or her benefit reduced or terminated upon written request provided, however, that the System shall not be liable for the retroactive payment of a reduced or terminated benefit during the period of time such benefit remains reduced or terminated as the result of the annuitant's request. Such annuitant may have his or her benefit increased or reinstated in full upon written request.

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Such increase or decrease will take effect the first of the month following the date the written request is received in the System's office.

- c) Monthly benefit payments to annuitants shall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing same.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Number: 3030.20  
3030.105  
Proposed Action: Amendment  
Amendment
- 4) Statutory Authority: Implementing and authorized by The Illinois Library System Act (Ill. Rev. Stat. 1987, ch. 81, pars. 111 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:  
This rulemaking implements Section 8.4 of the Library Systems Act (Ill. Rev. Stat. 1989, ch. 81, Section 118.4) which establishes a system of grants to school libraries. The rules establish the procedures for applications, and the application contracts.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference?  
No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This requirement is not applicable to this rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:  
Philip S. Howe  
Counsel to the Secretary  
Office of the Secretary of State  
298 Centennial Building  
Springfield, Illinois 62706  
217/785-3094

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the next page:

## NOTICE OF PROPOSED AMENDMENT(S)

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE B: CULTURAL RESOURCES

## CHAPTER I: SECRETARY OF STATE

## PART 3030

## THE ILLINOIS LIBRARY SYSTEM ACT

## Section

3030.10	Definitions
3030.15	Forms
3030.20	Administration of the Act: Hearings
3030.25	Establishment of Systems
3030.30	Geographic Boundaries
3030.35	Membership in a Library System
3030.40	Contracting Libraries
3030.45	Accessing Resources and Services
3030.50	Service Standards
3030.55	Service to State Institutions
3030.60	Services to the Physically Disabled (Repealed)
3030.65	Plan of Service for a Cooperative or Multitype Library System
3030.70	Plan of Service for a Public Library System
3030.75	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Transfer of Membership
3030.125	Withdrawal of Membership
3030.130	Annual System Reports

AUTHORITY: Implementing and authorized by The Illinois Library System Act (Ill. Rev. Stat. 1987, ch. 81, pars. 111 et seq.)

SOURCE: Rules and Regulations for Library Systems and State Aid adopted November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

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## Section 3030.20 Administration of the Act: Hearings

- a) The State Librarian shall provide for hearings to reconsider decisions made in the administration of the Act regarding:
- 1) The denial of approval of a library system,
  - 2) The revocation of approval of a library system,
  - 3) The denial by the State Librarian of a library's application for membership in a library system.
  - 4) The suspension of a library from membership in a library system.
  - 5) The denial of any state grant.
- b) A library or library system wishing reconsideration of a decision rendered against it shall request a hearing in writing within thirty days of the date of said decision.
- c) To reconsider decisions the State Librarian shall appoint a panel of 5 members, and shall appoint one member as chairperson. The panel shall include:
- 1) One or two members of the Illinois State Library Advisory Committee (ISLAC),
  - 2) An executive director of a library system, not a member of ISLAC,
  - 3) In the event that the request is from a library system, a representative of another library system,
  - 4) In the event that the request is from a library, a person from a library of the same type as the library, but not from the same system. The types of libraries are academic, school, public and special.
  - 5) A library trustee, not a member of ISLAC.
- d) Within fifteen days of its appointment, the panel shall notify the library or library system in writing of the date for the hearing which shall not be more than thirty days after the date the State Librarian received the request.
- e) The panel shall forward its recommendation to the State Library within three days after the completion of the hearing. Within ten days, the State Librarian shall inform the library or library system of his

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final decision. The recommendation of the panel and the decision of the State Librarian shall be based on the requirements of the Act and of this Part.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3030.105 State Grants

- a) Application for Annual Per Capita and Area Grants shall be made to the State Librarian on or before May 1 of each year and shall consist of the following:

- 1) An annually updated plan of service.
- 2) The system's annual report for the preceding fiscal year.
- 3) The system budget for the current fiscal year, and
- 4) An estimate of receipts and expenditures for the ensuing fiscal year.

- b) Application for Annual Grants to Systems Providing Services to Residents of State Institutions shall be made to the State Librarian on or before May 1 of each year and shall consist of:

- 1) A budget and a description of services to be offered.
- 2) A statement from the chief administrative officer of each institution served that the proposed library services are acceptable.

- c) Application for Annual Grants to no more than six Systems Providing Administrative and Support Services to Libraries and Radio Information Services Serving Physically Disabled Individuals shall be made to the State Librarian on or before May 1 of each year and shall consist of a budget and a description of services to be offered. The State Librarian shall be notified of any change in their budget.

- d) To be eligible for a per capita grant, a public library shall show that it will EITHER MEET OR SHOW PROGRESS TOWARD MEETING THE ILLINOIS LIBRARY STANDARDS, AS MOST RECENTLY ADOPTED BY THE ILLINOIS LIBRARY ASSOCIATION, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member.

- e) Application for ANNUAL EQUALIZATION GRANTS and PER CAPITA GRANTS TO PUBLIC LIBRARIES shall be made prior to October 15 of each year.

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- f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in Subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.

- g) To qualify for ANNUAL GRANTS TO RESEARCH AND REFERENCE CENTERS each center shall contract annually with the State Librarian. The contract will specify by inclusion:

- 1) The terms for apportionment of the grant funding,
- 2) Services to be performed, and
- 3) Adherence to the Research and Reference Center Committee's Rules for making their collections available to the residents of the state and the established LONG RANGE cooperative ACQUISITIONS POLICIES TO STRENGTHEN THE EXISTING COLLECTIONS AND TO AVOID UNNECESSARY DUPLICATION.

- h) The Research and Reference Center Committee shall be July 1 of each year file with the State Library for attachment to Research and Reference Center contracts:

- 1) A current copy of the Committee's "Long Range Acquisitions Policy," and
- 2) A current copy of their "Rules for Accessing Research and Reference Center Collections."

- i) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall jointly contract with the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. This contract shall be supplemented annually with a contract with the State Library which shall include a long range program and budget in accordance with Section 3030.65 of this Part.

- j) School District Library Grant Program

- 1) Pursuant to Section 8.4 of the Illinois Library System Act (Ill. Rev. Stat. 1989, ch. 81, par. 118.4), there is established by these rules the application procedures for school district library grants.

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- 2) The application for annual school grants shall be made between October 1 and prior to December 1 of each year starting in 1990. It shall be signed by the superintendent of schools for the school district. It shall be submitted to the Illinois State Library. It shall consist of:
- A) A description and verification of the school board's review, as effected in the minutes of a school board meeting, of the school library standards ("Recommended Standards for Educational Library Media Programs in Illinois, adopted in 1986) as most recently adopted by the Illinois Library Association;
- B) A report on the use of the previous year's grant, if a grant was received, which shall show how said grant was used; to include an evaluation detailing the effect of the program in overall district-wide school library media program improvement and progress towards or compliance with school library media standards.
- C) A statement on the proposed use of the grant for which application is being made which shall show how grant funds will be used to further the purposes in the Act. The grants may not be used for construction of a new library.
- D) The following specific information:
- 1) The official name and complete address of the school district;
  - 2) the name of the library system of which the district is a member or to which it has applied for membership;
  - 3) the name or names and type of attendance unit in which the library or libraries are located;
  - 4) the number of students served by the library or libraries;
  - 5) the name of the librarian;
  - 6) the number of hours per week the library is open;
  - 7) the number of hours per week the librarian is available in the library as the librarian and percentage such hours are of the librarian's total hours worked;

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- 8) the dates of the library's fiscal year, the Illinois legislative district(s) in the library's taxing area, and
  - 9) the library's federal employers identification number (FEIN).
- E) A statement from the superintendent of the total funds expended for the qualifying library or libraries in the year prior to the year for which funds are applied for, and total funds budgeted for the current school year;
- F) Evidence that the fiscal year's grant funds, if received, were encumbered prior to June 30 of that fiscal year and expended prior to September 1 of the calendar year in which the fiscal ended.
- G) Certification by the director of the library system of which the school district is a member that the intended use of the grant is in keeping with the terms of the system's plan of service. If the school district is not a member of the library system, the system shall provide a statement that the district has applied for system membership and that the intended use of the grant is in keeping with the terms of the system's plan of service.
- H) Subsequent to approval of an application by the Illinois State Library, the Illinois State Board of Education will acknowledge receipt of evidence that the requirements of Section 8.4(4) and 8.4(5) of the Library System Act have been met.
- 3) Upon receipt of the application and review of it by the Illinois State Library staff, it will be approved for funding if the criteria are met, as set forth in this Section and Section 8.4 of the Illinois Library System Act, and the application was completed fully and with accurate information.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Administration of the Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: Adopted Action:  
1501.517 amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 122, Pars. 102-4 and 102-16

5) Effective Date of Amendments: July 9, 1990

6) Does this Rulemaking contain an Automatic Repeal Date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 9, 1990

9) Notice of Proposal Published in Illinois Register?

January 5, 1990 14 Ill. Reg. 00014

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Minor changes were made to clarify SURS role in certifying retirees and to clarify the procedures for returning unexpended funds.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1501.501	amendment	14 Ill. Reg. 3308
1501.516	amendment	14 Ill. Reg. 3308
1501.601	amendment	14 Ill. Reg. 3308
1501.602	amendment	14 Ill. Reg. 3308
1501.603	amendment	14 Ill. Reg. 3308
1501.604	amendment	14 Ill. Reg. 3308
1501.605	amendment	14 Ill. Reg. 3308
1501.608	amendment	14 Ill. Reg. 3308
1501.610	new section	14 Ill. Reg. 3308

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## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: The purpose of the revision is to ensure that retirees are able to obtain reasonable health insurance coverage.

16) Information and questions regarding these adopted amendments shall be directed to:

David L. Steelman  
Associate Director  
Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Room 400  
Springfield, Illinois 62701-1874  
Telephone: (217) 785-0028

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
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1501.113	Administration of Mandatory and Voluntary Annexations and New District Formations

SUBPART B: RECOGNITION

Section	
1501.201	Definition of Terms
1501.202	Recognition Provisions
1501.203	Evaluation
1501.204	Review and Appeal
1501.205	Recognition Standards

SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

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Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Non-Resident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Grants
1501.508	Special Populations Grant
1501.509	Economic Development Grants
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant
1501.516	Repair and Renovation Grants
1501.517	Retirees Health Insurance Grants

SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act

SUBPART G: STATE COMMUNITY COLLEGE

Section	
1501.701	Definition of Terms
1501.702	Applicability
1501.703	Recognition
1501.704	Programs
1501.705	Finance
1501.706	Personnel

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1501.707 Facilities

SUBPART H: PERSONNEL

Section

1501.801 Definition of Terms

1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Article II and Section 3-20.3.01 of the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, pars. 102-1 et seq. and 102-2.3.01)

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990.

Section 1501.517 Retirees Health Insurance Grants

- a) Retirees health insurance grants shall be distributed proportionately to each district based on the number of that district's annuitants on July 1 of the fiscal year in which the appropriation is made, such number is to be certified by the State Universities Retirement System (SURS).
- b) Retirees health insurance grants shall be used by a community college district to provide health insurance for the district's annuitants.
- c) Provisions of the retirees health insurance program shall be the same as that of the district's health insurance plan for active employees except that a Annuitants eligible for Social Security benefits shall be required to enroll in Medicare Part A Insurance which shall be considered their primary coverage.
- d) Retirees health insurance grants shall be expended or obligated by June 30 of the fiscal year in which the grant is received. Funds

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obligated prior to June 30 but unexpended by September 30 shall be returned to the ICCB by October 15 following the year for which the appropriation was made.  
e) Retirees health insurance grants determined not to be spent in accordance with this Section shall be returned to the ICCB within six months after receipt of the external audit report submitted pursuant to Section 3-22.1 of the Act.

(Source: Amended at 14 Ill. Reg. 11771, effective July 9, 1990)

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- 1) The Heading of the Part: Areas Designated by Act of Congress
- 2) Code Citation: 62 Ill. Adm. Code 1761
- 3) Section Numbers:

	<u>Adopted Action:</u>
1761.11	Amended
1761.12	Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (111. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1990
- 9) Date Notice of Proposed Amendments published in Illinois Register:  
July 28, 1989; 13 Ill. Reg. 12197
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1761.11(a), add the word "future" before "guidelines".

In Section 1761.12, the following headings were specified:

- (b) Federal recreational systems; public buildings; cemeteries

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- (d) Occupied dwellings
- (e) Publicly owned parks; places included in the National Register of Historic Places.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On June 9, 1987 and December 16, 1988, the Department received letters from OSMRE, pursuant to 30 CFR 732.17, setting forth those Illinois regulations that must be amended in order to be consistent with the revised Federal regulations. On October 25, 1988, OSMRE approved amendments to the Department's regulatory program conditioned upon the submittal of new rules designed to correct defects identified in Illinois' rules. The proposed amendments to the Illinois regulations set forth below serve to address OSMRE's concerns.

The following discussion describes the adopted amendments of Part 1761:

Section 1761.11 sets forth an overview of areas where mining is prohibited or limited. The adopted amendments of Section 1761.11 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 761.11.

Section 1761.12 sets forth the Department's procedures for determining if mining in an area should be prohibited or limited. The adopted amendments of Section 1761.12 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 761.12.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals

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300 W. Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1761

AREAS DESIGNATED BY ACT OF CONGRESS

Section

1761.1 Scope

1761.11 Areas Where Mining is Prohibited or Limited

1761.12 Procedures

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, P. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991.

**Section 1761.11 Areas Where Mining is Prohibited or Limited**

Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment:

- a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including--for study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a))--a--corridor extending--not more than one-quarter (1/4)--mile from each bank--for the length-of-the-segment--being-studied or study rivers or study river corridors as established in any future guidelines pursuant to that Act, and National Recreation Areas designated by Act of Congress;
- b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;
- c) On any lands which will adversely affect any publicly owned park or any publicly--owned places included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;
- d) Within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road, except:
  - 1) Where mine access roads or haulage roads join such right of way

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lines; or

- 2) Where the Illinois Department of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or the area affected, including surface areas impacted by planned subsidence, to be within one hundred (100) feet of such road, after:
  - A) Public notice and opportunity for a public hearing in accordance with Section 1761.12(c); and
  - B) Making a written finding that the interests of the affected public and landowners will be protected;

- e) Within three hundred (300) feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:
  - 1) The owner thereof has provided a written waiver consenting to surface coal mining operations closer than three hundred (300) feet; or

- 2) The part of the mining operation which is within three hundred (300) feet of the dwelling is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;

- f) Within three hundred (300) feet measured horizontally of any public building, school, church, community or institutional building, or public park; or

- g) Within one hundred (100) feet measured horizontally of a cemetery.
- h) There will be no surface coal mining, permitting, licensing or exploration of Federal lands in the National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, Wild and Scenic Rivers System, or National Recreation Areas, unless called for by Acts of Congress.

(Source: Amended at 14 Ill. Reg. 11777, effective January 1, 1991.)

## Section 1761.12 Procedures

- a) Upon receipt of a complete application for a surface coal mining and reclamation operation permit, the Department shall review the application to determine whether surface coal mining operations are limited or prohibited under Section 1761.11 on the lands which would be disturbed by the proposed operations.

- b) Federal recreational systems; public buildings; cemeteries

- 1) Where the proposed operation would be located on any lands listed in Section 1761.11(a), (f) or (g), the Department shall reject the application if the applicant has no valid existing rights for the area or if the operation did not exist on August 3, 1977.

- 2) If the Department is unable to determine whether the proposed operation is located within the boundaries of any of the lands in Section 1761.11(a) or closer than the limits provided in Section

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1761.11(f) and (g), the Department shall transmit a copy of the relevant portions of the permit application to the appropriate Federal, State, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it must respond within thirty (30) days of receipt of the request. The National Park Service or the U.S. Fish and Wildlife Service shall be notified of any request for a determination of valid existing rights pertaining to areas within the boundaries of areas under their jurisdiction and shall have thirty (30) days from receipt of the notification in which to respond. The Department, upon request by the appropriate agency, shall grant an extension to the 30-day period of an additional thirty (30) days. If no response is received within 30-day period or within the extended period granted, the Department may make the necessary determination based on the information it has available.

- c) Where the proposed mining operation is proposed to be conducted within one hundred (100) feet measured horizontally, of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)) or where the applicant proposes to relocate or close any public road, the Department and the public road authority with jurisdiction over the road under Illinois law shall:
  - 1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road;

- 2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected;

- 3) If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two (2) weeks prior to the hearing; and

- 4) Make a written finding based upon information received at the public hearing within thirty (30) days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the public and affected landowners will be protected from the proposed mining operations. No mining shall be allowed within one hundred (100) feet of the outside right-of-way line of a road, nor may a road be relocated or closed, unless the Department and public road authority determines that the interests of the public and affected landowners will be protected.

- d) Occupied dwellings

- 1) Where the proposed surface coal mining operations would be conducted within three hundred (300) feet, measured horizontally, of any occupied dwelling, the permit applicant shall submit with the application a written waiver by lease, deed or other conveyance from the owner of the dwelling, clarifying that the

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owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver shall act as consent to such operations within a closer distance of the dwelling as specified.

2) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within three hundred (300) feet of such dwelling, a new waiver shall not be required.

3) A) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.

B) A subsequent purchaser shall be deemed to have constructive knowledge if the waiver has been properly filed in public property records pursuant to State laws or if the mining has proceeded to within the three hundred (300) foot limit prior to the date of purchase.

e) Publicly owned parks; places included in the National Register of Historic Places

1) Where the Department determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any publicly-owned place included in the National Register of Historic Places, the Department shall transmit to the Federal, State, or local agencies with jurisdiction over the publicly owned park or National Register place a copy of applicable parts of the permit application together with a request for that agency's approval or disapproval of the operation, and a notice to that agency that it has thirty (30) days from receipt of the request within which to respond and that failure to interpose a timely objection will constitute approval. The Department, upon request by the appropriate agency, may grant an extension to the 30-day period of an additional thirty (30) days. Failure to interpose an objection within thirty (30) days of the extended period granted shall constitute an approval of the proposed permit.

2) A permit for the operation shall not be issued unless jointly approved by all affected agencies.

f) If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and this Part, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.

g) A determination by the Department that a person holds or does not hold a valid existing right or that surface coal mining operations did or did not exist on the date of enactment shall be subject to administrative and judicial review under 62 Ill. Adm. Code 1775.11 and 1775.13.

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(Source: Amended at 14 Ill. Reg. 11777, effective January 1, 1991)

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1) The Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

2) Code Citation: 62 Ill. Adm. Code 1800

3) Section Numbers:

1800.21

1800.40

1800.60

Adopted Action:

Amended

Amended

Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12205

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

Section 1800.40(b)(2) is changed to read as follows:

Within ninety (90) days from the filing of the bond release application, if no public hearing is held pursuant to subsection (e), or, within sixty (60) days after a public hearing has been held pursuant to subsection (e), the Department shall serve, by

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certified mail, the permittee, the nearest municipality and county in which the surface coal mining operation is located, the surety, or other persons with an interest in bond collateral who have requested notification under Section 1800.21(e), and the persons who either filed objections in writing or objectors who were a party to the hearing proceedings, if any, its final administrative decision to release or not to release all or part of the performance bond.

The reference to "subsection (f)" in Section 1800.40(d) is replaced with "subsection (e)"

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1800.40(a)(2), to delete the 45 day time period and return to the original 30 day time period in order to be consistent with the Act.

In Section 1800.40(a)(2), to add a sentence at the end of this Section stating "The operator shall submit a certification of publication for such advertisement prior to the Department's final administrative decision releasing bond."

In Section 1800.40(b)(1), to delete the time period set forth in this Section of the rules and return to the original time period in order to be consistent with the Act.

In Section 1800.40(b)(2), to delete the time period set forth in this Section of the rules and return to the original time period in order to be consistent with the Act.

In Section 1800.40(e), to delete the time period set forth in this Section of the rules and return to the original time period in order to be consistent with the Act.

In Section 1800.40(h), to insert a period after the end parenthesis for the statutory citation.

In Section 1800.21(d), to insert the following heading: "Bond value of collateral."

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

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14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The amendments to the Illinois regulations outlined below incorporate changes the Department believes are necessary to enhance efficiency and improve the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1800:

Section 1800.21 sets forth the Department's requirements for collateral bonds, in conformance with 30 CFR 800.21. The adopted amendments to Section 1800.21 ensure that the ten percent (10%) capital and surplus accounts limitation for letters of credit is applied on a cumulative rather than on an individual basis.

Section 1800.40 sets forth the Department's requirements for bond release, in conformance with 30 CFR 800.40. The adopted amendments to Section 1800.40 enhance clarity.

Section 1800.60 sets forth the Department's requirements for liability insurance, in conformance with 30 CFR 800.60. The adopted amendments to Section 1800.60 enhance clarity.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197  
Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1800

BONDING AND INSURANCE REQUIREMENTS FOR  
SURFACE COAL MINING AND RECLAMATION OPERATIONS

Section	Scope and Purpose
1800.1	Objective (Repealed)
1800.2	Department Responsibilities
1800.4	Definitions
1800.5	Requirement to File a Bond
1800.11	Form of the Performance Bond
1800.12	Period of Liability
1800.13	Determination of Bond Amount
1800.14	Adjustment of Amount
1800.15	General Terms and Conditions of Bond
1800.16	Bonding Requirements for Underground Coal Mines and Long-Term
1800.17	Coal-Related Surface Facilities and Structures
1800.20	Surety Bonds
1800.21	Collateral Bonds
1800.30	Replacement of Bonds
1800.40	Requirement to Release Performance Bonds
1800.50	Forfeiture of Bonds
1800.60	Terms and Conditions for Liability Insurance

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9354; amended at 11 Ill. Reg. 7985, effective July 1, 1987; amended at 14 Ill. Reg. 11785, effective January 1, 1991.

## Section 1800.21 Collateral Bonds

- a) Collateral bonds, except for letters of credit and cash accounts, shall be subject to the following conditions:
- 1) The Department shall keep custody of collateral deposited by the applicant until authorized for release or replacement as provided in Sections 1800.30 and 1800.40.
  - 2) The Department shall value collateral at its current market value, not at face value.
  - 3) The Department shall require that certificates of deposit be made payable to or assigned to the Department both in writing and upon the records of the bank issuing the certificates. If assigned, the Department shall require the banks issuing these certificates

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to waive all rights of setoff or liens against those certificates.

- 4) The Department shall not accept an individual certificate of deposit in an amount in excess of one hundred thousand dollars (\$100,000) or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

b) Letters of credit shall be subject to the following conditions:

- 1) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentation in Illinois.
- 2) Letters of credit shall be irrevocable during their terms. A letter of credit used as security in areas requiring continuous bond coverage shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least thirty (30) days before its expiration date.
- 3) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with Section 1800.50.
- 4) The Department shall not accept a letter of credit in excess of ten percent (10%) of the issuing bank's total capital and surplus accounts, as certified by the President of the bank providing the letter of credit and as evidenced by the most recent quarterly Call Report provided to the Federal Deposit Insurance Corporation. The ten percent (10%) limit, as used in this subsection, shall be a cumulative total of all letters of credit submitted to the Department by any one issuing bank.
- 5) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.
- c) Cash accounts shall be subject to the following conditions:
  - 1) The Department may authorize the permittee to supplement the bond through the establishment of a cash account in one or more federally-insured or equivalently protected accounts made payable upon demand to, or deposited directly with, the Department. The total bond including the cash account shall not be less than the amount required under terms of performance bonds including any adjustments, less amounts released in accordance with Section 1800.40.
  - 2) Any interest paid on a cash account shall be retained in the

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account and applied to the bond value of the account unless the Department has approved the payment of interest to the permittee. Certificates of deposit may be substituted for a cash account in accordance with subsection (a).

- 4) The Department shall not accept an individual cash account in an amount in excess of one hundred thousand dollars (\$100,000) or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

d) Bond value of collateral.

- 1) The estimated bond value of all collateral posted as assurance under Section 1800.21 shall be subject to a margin which is the ratio of bond value to market value, as determined by the Department. The margin shall reflect legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the Department to complete reclamation.
- 2) The bond value of collateral may be evaluated at any time, but it shall be evaluated as part of permit renewal and, if necessary, the performance bond amount increased or decreased. In no case shall the bond value of collateral exceed the market value.
- e) Persons with an interest in collateral posted as a bond, and who desire notification of actions pursuant to the bond, shall request the notification in writing to the Department at the time collateral is offered.

(Source: Amended at 14 Ill. Reg. 11785, effective January 1, 1991)

## Section 1800.40 Requirement to Release Performance Bonds

a) Bond release application.

- 1) The permittee may file an application with the Department for the release of all or part of a performance bond at any time.
- 2) Within thirty (30) days after an application for bond release has been filed with the Department, the operator shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. The advertisement shall be considered part of any bond release application and shall contain the permit number and approval date, notification of the precise location of the land affected, the number of acres, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, a description of the results achieved as they relate to the operator's approved reclamation plan, and the name and address of the Department to which written comments, objections, or requests for public hearings and--informal conferences on the specific bond release may be submitted

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pursuant to subsection 1800-40(f)(e). In addition, as part of any bond release application, the applicant shall submit copies of letters which he or she has sent to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the surface coal mining and reclamation operation took place, notifying them of the intention to seek release from the bond. The operator shall submit a certification of publication for such advertisement prior to the Department's final administrative decision releasing bond.

## b) Inspection by Department.

1) Upon receipt filing of the bond release application, the Department shall, within thirty (30) days, or as soon thereafter as weather conditions permit, conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other factors, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution. The surface owner, agent, or lessee shall be given notice of such inspection and may participate with the Department in making the bond release inspection. The Department may arrange with the permittee to allow access to the permit area, upon request by any person with an interest in bond release, for the purpose of gathering information relevant to the proceeding.

2) Within sixty (60) days from the filing of the bond release application, if no public hearing is held pursuant to subsection (f)(e), or, within thirty (30) days after a public hearing has been held pursuant to subsection (f)(e), the Department shall serve, by certified mail, the permittee, the municipality and county in which the surface coal mining operation is located, the surety, or other persons with an interest in bond collateral who have requested notification under Section 1800.21(e), and the persons who either filed objections in writing or objectors who were a party to the hearing proceedings, if any, its final administrative decision to release or not to release all or part of the performance bond.

c) The Department may release all or part of the bond for the entire permit area or incremental area if the Department is satisfied that all the reclamation or a phase of the reclamation covered by the bond or portion thereof has been accomplished in accordance with the following schedules for reclamation of Phases I, II, and III:

- 1) At the completion of Phase I, after the operator completes the backfilling, regrading (which includes the replacement of topsoil) and drainage control of a bonded area in accordance with the approved reclamation plan, sixty (60) percent of the bond or collateral for the applicable area.
- 2) At the completion of Phase II, after revegetation has been

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established on the regraded mined lands in accordance with the approved reclamation plan, an additional amount of bond. When determining the amount of bond to be released after successful revegetation has been established, the Department shall retain that amount of bond for the revegetated area which would be sufficient to cover the cost of reestablishing revegetation if completed by a third party and for the period specified for operator responsibility in Section 6.08(d)(2) of the State Act for reestablishing revegetation. No part of the bond or deposit shall be released under subsection (c)(2) so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by Section 3.10 of the State Act and by 62 Ill. Adm. Code 1816 or 1817 or until soil productivity for prime farmland has returned to the equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to Section 2.02(a) of the State Act and 62 Ill. Adm. Code 1823. Where a silt dam is to be retained as a permanent impoundment pursuant to 62 Ill. Adm. Code 1816 or 1817, the Phase II portion of the bond may be released under this subsection so long as provisions for sound future maintenance by the operator or the landowner have been made with the Department.

3) At the completion of Phase III, after the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in 62 Ill. Adm. Code 1816.116 or 1817.116. However, no bond shall be fully released under subsection (c)(3) until the reclamation requirements of the State Act and the permit are fully met.

d) If the Department disapproves the application for release of the bond or portion thereof, the Department shall notify the permittee, the surety, and any person with an interest in collateral as provided for in Section 1800.21(e), in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release and allowing an opportunity for a public hearing, pursuant to subsection (f)(e).

e) When an application for total or partial bond release is filed with the Department, the Department shall notify the municipality in which the surface coal mining operation is located by certified mail at least thirty (30) days prior to the release of all or a portion of the bond:

f) Any person with a valid legal interest which might be adversely affected by release of the bond, or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or which is authorized to develop and enforce environmental standards

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with respect to such operations, shall have the right to file written objections to the proposed release from bond with the Department within thirty (30) days after the last publication of the notice required by subsection 1800-40(a)(2). If written objections are filed and a hearing is requested, the Department shall inform all the interested parties of the time and place of the hearing, and shall hold a public hearing within thirty (30) days after receipt of the request for the hearing. The date, time, and location of the public hearing shall be advertised by the Department in a newspaper of general circulation in the locality for two (2) consecutive weeks. The public hearing shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State capital, at the option of the objector. The hearing officer shall be an employee of the Department or a licensed attorney.

(g) For the purpose of the hearing under subsection (f), the Department shall have the authority to administer oaths and affirmations, subpoena witnesses and written or printed materials, compel the attendance of witnesses or the production of these materials, and take evidence including, but not limited to, inspection of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1843.21. A verbatim record of each public hearing shall be made, and a transcript shall be made available on request of any party or by order of the Department. Ex parte contacts between the parties, and their representatives, and the hearing officer, are prohibited.

(gh) Within thirty (30) days after the close of the hearing record, the hearing officer shall issue and serve the Department, and by certified mail, the permittee and any objectors to bond release with written findings of fact, conclusions of law and an order adjudicating the application for bond release. Service of this final administrative action shall be deemed complete upon mailing.

(h) Judicial review. Following service of the final administrative decision of the Department under subsections (b)(2) and (g), the permittee or any affected person may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure the Administrative Review Law (Ill. Rev. Stat. 1985, ch. 110, pars. 3-101 through 3-112 et seq.).

(Source: Amended at 14 Ill. Reg. 11785, effective January 1, 1991)

## Section 1800.60 Terms and Conditions for Liability Insurance

a) The Department shall require the applicant to submit as part of its permit application a certificate issued by an insurance company authorized to do business in Illinois certifying that the applicant has a public liability insurance policy in force for the surface coal

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mining and reclamation operations for which the permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons injured or property damaged as a result of the surface coal mining and reclamation operations, including the use of explosives, and who are entitled to compensation under the applicable provisions of State law. Minimum insurance coverage for bodily injury and property damage shall be three hundred thousand dollars (\$300,000) for each occurrence and five hundred thousand dollars (\$500,000) aggregate.

b) The policy or approved replacement thereof shall be maintained in full force during the life of the permit or any renewal thereof, and including the liability period necessary to complete all reclamation operations under 62 Ill. Adm. Code 1800 - 1850.

c) The policy shall include a rider requiring that the insurer notify the Department whenever substantive changes are made in the policy including any termination or failure to renew.

(Source: Amended at 14 Ill. Reg. 11785, effective January 1, 1991)

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- 1) The Heading of the Part: General
- 2) Code Citation: 62 Ill. Adm. Code 1700
- 3) Section Number: Adopted Action:  
1700.11 Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1990
- 9) Date Notice of Proposed Amendments published in Illinois Register:  
July 28, 1989; 13 Ill. Reg. 12217
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of these changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The words "and reclamation" are added back to the second sentence of Section 1700.11(a).

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1700.11, to specify that the heading for subsection (d) would be "Existing structures" and the heading for subsection (e) would

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be "Effective dates".

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations. The amendments to the Illinois regulations outlined below incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules as well as to comply with changes made in OSMRE's rules.

The following discussion describes the adopted amendments of Part 1700:

Section 1700.11 establishes when the Department's permanent regulatory program is applicable to surface coal mining and reclamation operations and coal exploration operations. The adopted amendments of Section 1700.11 enhance clarity and serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 700.11.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

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## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1700

## GENERAL

## Section

- 1700.11 Applicability
- 1700.12 Petitions to Initiate Rulemaking
- 1700.13 Notice of Citizen Suits
- 1700.14 Availability of Records
- 1700.15 Computation of Time
- 1700.16 Fees and Forfeitures
- 1700.17 Administration
- 1700.18 Advisory Council on Reclamation

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9347; amended at 11 Ill. Reg. 8051, effective July 1, 1987; amended at 14 Ill. Reg. 11795, effective January 1, 1991.

## Section 1700.11 Applicability

- a) These regulations apply This Part applies to all coal exploration and surface coal mining and reclamation operations, except:
- 1) The extraction of coal by a landowner or lessee for the landowner's or lessee's own noncommercial use from land owned or leased by him or her where two hundred and fifty (250) tons or less of coal are removed in any twelve (12) consecutive months. Noncommercial use does not include the extraction of coal by one (1) unit of an integrated company or other business or nonprofit entity which uses the coal in its own manufacturing or power plants;
  - 2) The extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent (16 2/3%) of the total mineral tonnage mined. (Section 1.06 of the Surface Coal Mining Land Conservation and Reclamation Act) (Ill. Rev. Stat. 19857, ch. 96 1/2, par. 7901.06(b));
  - 3) Coal exploration on lands subject to the requirements of 43 CFR 3480-3487 (1986); and
  - 4) The extraction of coal on Federal lands except to the extent provided under a cooperative agreement with the United States. Section 1.06 of the Surface Coal Mining Land Conservation and Reclamation Act) (Ill. Rev. Stat. 19857, ch. 96 1/2, par. 7901.06(d)).

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- b) The Illinois Department of Mines and Minerals (Department) shall, within sixty (60) days of a request from any person who intends to conduct surface coal mining operations, make a written determination whether the operation is exempt under subsection (a). The Department shall, within thirty (30) days of receipt of a request for exemption under subsection (a), publish notice of the request in a newspaper of general circulation in the area of the proposed exempted operation and send the request to interagency members. Prior to the time a determination is made, any person may submit, and the Department shall consider, any written information relevant to the determination. A person requesting that an operation be declared exempt shall have the burden of establishing the exemption. If a written determination of exemption is reversed through subsequent administrative or judicial action, any person who has made a complete and accurate request for an exemption and relied upon the determination shall not be cited for violations which occurred prior to the date of the reversal.
- c) The requirements of 62 Ill. Adm. Code 1800 through 1850 (the permanent program regulations) apply to all surface coal mining and reclamation operations for which the surface coal mining operation is required to obtain a permit under the Surface Coal Mining Land Conservation and Reclamation Act (the State Act) (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.) on and after February 1, 1983.
- d) Existing structures
- 1) Each structure used in connection with a coal exploration or surface coal mining and reclamation operations shall comply with the performance standards and the design requirements of the permanent program regulations except that:
    - A) The Department shall exempt an existing structure which meets the performance standards of the permanent program regulations but does not meet the design requirements of the permanent program regulations from meeting those design requirements. The Department shall grant this exemption as part of the permit application process after both obtaining the information 62 Ill. Adm. Code 1780.12 or 1784.12 require and after the Department makes the findings required in 62 Ill. Adm. Code 1773.15(c)(6) and;
    - B) If a performance standard in 62 Ill. Adm. Code 280 (interim program regulations) is at least as stringent as the comparable performance standard of the permanent program regulations, an existing structure which meets the performance standards of the interim program regulations shall be exempted by the Department from meeting the design requirements of the permanent program regulations. The Department will grant this exemption as part of the permit application process after obtaining the information 62 Ill. Adm. Code 1780.12 or 1784.12 require and after the Department makes the findings required in 62 Ill. Adm. Code 1773.15(c)(6).
  - 2) The exemptions provided in subsections (d)(1)(A) and (d)(1)(B)

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shall not apply to:

- A) The requirements for existing and new waste piles used either temporarily or permanently as dams or embankments; and
- B) The requirements to restore the approximate original contour of the land.
- 3) The permittee shall modify or reconstruct an existing structure which meets a performance standard of the interim program regulations which is incompatible with the permanent program regulations to meet the design standard of the permanent program regulations, pursuant to 62 Ill. Adm. Code 1773.15(c)(6), 1780.12 and 1784.12.
- 4) The permittee shall modify or reconstruct an existing structure which does not meet the performance standards of the interim program regulations and which the applicant proposes to use in connection with a coal exploration or surface coal mining and reclamation operation to meet the design standards of the permanent program regulations prior to issuance of the permit.

e) Effective dates

- 1) Any person conducting coal exploration on or after February 1, 1983, shall either file a notice of intention to explore or obtain approval of the Department, as required by 62 Ill. Adm. Code 1772.
- 2) Coal exploration performance standards in 62 Ill. Adm. Code 1815 apply after August 3, 1982.

(Source: Amended at 14 Ill. Reg. 11795, effective January 1, 1991)

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- 1) The Heading of the Part: General Definitions
- 2) Code Citation: 62 Ill. Adm. Code 1701
- 3) Section Number: Adopted Action:  
1701. Appendix A Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1990
- 9) Date Notice of Proposed Amendments published in Illinois Register:  
July 28, 1989; 13 Ill. Reg. 12222
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposal and adopted versions:  
Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.  
Based upon comments received, Section 1701. Appendix A is amended to read as follows:  
Previously mined area means land that had been mined before August 3, 1977.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will this rule replace an emergency rule currently in effect? No

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14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On December 16, 1980, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. On January 4, 1989, OSMRE, by final rule, instructed the Department to submit a proposed amendment to its definition of "valid existing rights." The amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives.

The following discussion describes the adopted amendments of Part 1701:

Section 1701. Appendix A sets forth the Department's general definitions for surface coal mining and reclamation operations and coal exploration operations. The adopted amendments of Section 1701. Appendix A serve to make the Department's requirements consistent with the definitions in the OSMRE counterpart regulation, 30 CFR 701.5.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197  
Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1701

## GENERAL DEFINITIONS

## Section

## 1701.5 Definitions

## APPENDIX A Definitions

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4932; amended at 11 Ill. Reg. 8075, effective July 1, 1987; amended at 14 Ill. Reg. 11800, effective January 1, 1991.

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## Section 1701.APPENDIX A Definitions

As used in 62 Ill. Adm. Code, 1700 - 1850, the following terms have the specified meanings, except when another meaning is given: Acid drainage means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid - forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water or weather processes, form acids that may create acid drainage.

"Act or Federal Act" means the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87. (30 U.S.C. 1201 et seq.).

"Adjacent area" means the area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the Department determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

"Affected area" means, with respect to surface mining activities, any land or water upon or in which those activities are conducted or located. With respect to underground mining activities, affected area means: any water or surface land upon which those activities are conducted or located.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Applicant" means any person seeking a permit; permit revision; renewal; or transfer, assignment or sale from the Department to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the Department under these regulations for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

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"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, and spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the Department has determined that they comply with 62 Ill. Adm. Code 1816.49 and 1816.56, 1816.133 or 1817.49, 1817.56 and 1817.133. Section 1.03(a)(2) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(2)).

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for specific use.

"Article" means an article of the State Act.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the cliff or highwall and transporting the coal along an auger bit to the surface.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by 62 Ill. Adm. Code 1816.42; and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Department, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 62 Ill. Adm. Code 1816 and 1817.

"Boxcut" means the first open cut resulting in the placing of overburden on unmined land adjacent to the initial pit.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 188-84 found at pp. 247-252 in Vol 5.05 of the Annual Book of ASTM Standards

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published by the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

"Coal exploration" means the field gathering of: surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 62 Ill. Adm. Code 1700 - 1850.

"Coal mine waste" means coal processing waste and underground development waste.

"Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the area upon which such activities occur.

"Coal processing or coal preparation" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal preparation plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments; coal processing and other waste disposal areas.

"Coal processing waste" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for functions of community groups; used for an educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

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"Compaction" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and accurate application" means an application for permit approval or approval for coal exploration where required, which the Department determines contains all information which the State Act and 62 Ill. Adm. Code 1700 - 1850 require.

"Consolidated material" means materials of sufficient hardness or stability to resist weathering so as to inhibit erosion or sloughing.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of: the proposed operation; all existing operations; any operation for which a permit application has been submitted to the Department.

"Darkened surface soil" means mineral horizons formed at or adjacent to the surface of the soil which are higher in organic matter content, and visibly darker in color than the immediately underlying horizons.

"Department" means the Illinois Department of Mines and Minerals, or its successor.

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director of the Department.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by

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surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by 62 Ill. Adm. Code 1800 is released.

"Diversion" means a channel, embankment, or other man-made structure constructed to divert water from one area to another.

"Downslope" means the land surface between the projected outcrop of the lowest coalbed being mined along each highwall and a valley floor.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means any person employed by the Department who performs any function or duty under the Act; and  
advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decision-making functions for the Department under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

"Ephemeral stream" means a stream which meets both requirements:  
It flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice; and  
It has a channel bottom that is always above the local water table.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided, the spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 62 Ill. Adm. Code 1816.102(d) and 1817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure used in connection with surface coal mining and reclamation operations for which construction began prior to June 1, 1982.

"Federal Director" means the Director of the Federal Office of Surface Mining Reclamation and Enforcement.

"Final cut" means the last pit created in a surface-mined area.

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"Fragile lands" means geographic areas containing important natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under Section 7.01 of the State Act (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7907.01) and 62 Ill. Adm. Code 1761.11, if those areas have characteristics requiring additional areal protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation, it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed.

"Gravity discharge" means, with respect to underground mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a mine to the level of the discharge is not gravity discharge.

"Ground cover" means the area of ground covered by the combined aboveground parts of vegetation and by the litter that is produced naturally on site.

"Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

"Head-of-hollow fill" means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

"High capability land" means land not meeting the definition of prime

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farmland or land exempted in accordance with 62 Ill. Adm. Code 1785.17 where the Department determines the following three facts are present together:

The land is capable of being reclaimed for row-crop agricultural purposes;

The land is suitable for row-crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining (all soil types in capability Classes I, II, III and those soil types in capability Class IV with slopes of five (5) percent or less), as set forth in LandCapability Classification, Agriculture Handbook No. 210, published by the U.S. Department of Agriculture, Soil Conservation Service in 1973; and

the optimum future use of the land is for row-crop agricultural purposes.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remaining permit area.

"Higher or better uses" means post-mining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

"Historically used for cropland" means:

Lands that have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding the acquisition, including purchase, lease, or option, of the lands for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations;

Lands that the Department determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration that the permit area is clearly cropland but falls outside the specific five (5)-year-in-ten (10) criterion, in which case the regulations for prime farmland shall be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or

Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means important historic, cultural, and scientific areas that could be damaged or be destroyed by surface coal mining operations. Examples of historic lands include archaeological and

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paleontological sites, National Historic Landmark sites, sites listed on or eligible for listing on a State or National Register of Historic Places, sites having religious or cultural significance to native Americans or religious groups or sites for which historic designation is pending.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of the State Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement. Section 1.03(a)(7) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(7)).

"Impounding structure" means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's duties and the coal mining operation in which the spouse, minor children, or other resident relatives hold a financial interest.

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"In situ processes" means activities conducted in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Institute" means the Department of Energy and Natural Resources or such other agency as designated by the Director in accordance with Section 7.03 of the State Act.

"Interagency Committee" means the Interagency Committee on Surface Mining Control and Reclamation Section 1.05 of the State Act created.

"Intermittent stream" means:

A stream or reach of a stream that drains a watershed of at least one (1) square mile; or  
A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the environment in violation of the State Act or these regulations that cannot be corrected by actions of the applicant.

"Land capability" means the soils' premixing capabilities based on the United States Department of Agriculture, Soil Conservation Service classification system as found in Agriculture Handbook No. 210, Land-Capability Classification, (published in 1973) as interpreted from the soils map for sustained production of commonly cultivated crops or for the production of permanent vegetation.

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department in accordance with 62 Ill. Adm. Code 1780.23.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by the livestock or occasionally cut and cured for livestock feed.

"Grazingland" means land used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing,

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browsing, or occasional hay production.

"Forestry" means land used or managed for the long-term production of wood, wood fiber, or wood-derived products.  
"Residential" means land used for single- and multiple-family housing, mobile home parks, and other residential lodgings.

"Industrial/Commercial" means land used for:

Extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities.

Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

"Recreation" is land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

"Fish and wildlife habitat" is land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Developed water resources includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply.

"Undeveloped land or no current use or land management" includes land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

"Mining operations or surface coal mining operations" means both surface mining operations and underground mining operations. Section 1.03(a)(11) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(11)).

"Moist bulk density" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at one hundred and five degrees (105° C).

"MSHA" means the Mine Safety and Health Administration of the United States Department of Labor.

"Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

"Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of surface coal mining

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operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches, and areas of unstable geology.

"Noxious plants" means any plant species listed as a "noxious weed" under regulations authorized by the Illinois Noxious Weed Law (Ill. Rev. Stat. 1985 1987, ch. 5, pars. 951 et seq.); any plant species whose seed is listed as a "prohibited (primary) noxious weed" or "restricted" (secondary) noxious weed" or "weed seeds" under regulations authorized by the Illinois Seed Law (Ill. Rev. Stat. 1985 1987, ch. 5, pars. 401 et seq.); or any plant which the Department of Agriculture has declared a pest under the Illinois Pesticide Act of 1979. (Ill. Rev. Stat. 1985 1987, ch. 5, pars. 801. et seq.)

"Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation. Office means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

"Operator" means any person engaged in coal mining who removes or intends to remove more than two hundred and fifty (250) tons of coal from the earth or from coal refuse piles by mining within twelve (12) consecutive calendar months in any one location.

"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Perennial stream" means a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850, and the requirements of the permit and reclamation plan.

"Performing any function or duty under this Act" means those decisions or actions, which if an employee performed or did not perform would affect the programs under the State Act.

"Permanent diversion" means a diversion remaining after surface coal

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mining and reclamation operations are completed which has been approved for retention by the Department and other appropriate State and Federal agencies.

"Permanent impoundment" means an impoundment which the Department approved and, if required, is approved by other State and Federal agencies for retention as part of the post-mining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations which the Department issues pursuant to the State program.

"Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit indicated on the approved map which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area. The permit area excludes the area defined in these regulations as the shadow area.

"Permit term" means the period during which the permittee may engage in mining and reclamation operations under the permit. Section 1.03(a)(18) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(18)).

"Permittee" means a person holding or required by the State Act or these regulations to hold a permit to conduct surface coal mining and reclamation operations issued by a Department pursuant to a State program.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, general partnership, limited partnership, business trust association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization or any agency, unit, or instrumentality of Federal, State or local government including any publicly-owned utility or publicly-owned corporation of Federal, State or local government.

"Person having an interest which is or may be adversely affected" or "Person with a valid legal interest" shall include any person:

Who uses any resources of economic, recreational, esthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations or

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any related action of the Secretary or the Department; or whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department.

"Placeland" means undisturbed land before any mining activity.

"Precipitation event" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, precipitation event also includes that quantity of water emanating from snow cover as snow-melt in a limited period of time.

"Previously mined area" means land that had been mined before August 3, 1977 ~~disturbed or affected by earlier coal-mining operations that was not reclaimed in accordance with the requirements of 62 Ill. Adm. Code 3700-1-1050.~~

"Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (43 Fed. Reg. 4031 (1978)) and which have historically been used for cropland as that phrase is defined above.

"Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface and mineral estates within the permit area and the mineral estate within the shadow area.

"Public building" means any structure that is owned or leased and principally used by a public government agency for public business or meetings.

"Public office" means a facility under the control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

"Publicly-owned park" means a public park that is owned by a Federal, State or local governmental entity.

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"Public road" means a road which has been designated as a public road pursuant to the law of the jurisdiction in which it is located;

which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction; for which there is substantial (more than incidental) public use; and

which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Qualified registered professional engineer" means a civil engineer, mining engineer, environmental engineer or general engineer meeting the requirements of Section 9 of The Illinois Professional Engineering Act. (Ill. Rev. Stat. 1985 1987, ch. 111, par. 5112).

"Rangeland" means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remaining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"Reclamation" means those actions which these regulations require to restore mined land to a post-mining land use which the Department has approved. These actions do not include subsidence control measures conducted in the shadow area to restore damaged land to pre-mining capability.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the ten (10)-year, twenty-four (24)-hour precipitation event would be that twenty-four (24)-hour precipitation event expected to occur on the average once in ten (10) years.

"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally

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or by Department - approved crop production methods. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regional director" means Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement or Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement's representative.

"Regulatory program" means Illinois' permanent regulatory program which the Office of Surface Mining Reclamation and Enforcement approved and set forth in 30 CFR 913.1-913.16 (1986). 30 CFR 913.1-913.16 do not include any subsequent amendments or editions.

"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

"Responsible land management" means that combination of preparation, maintenance, fertilization and tilling of land capable of producing row crops which would be practiced by a person in the business of producing row crops on unmined land in the same region on the same, or similar, soil type as the mined land being managed, which practices can reasonably be expected to continue after mining and reclamation are completed, as determined by the Department.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces.

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Shadow area" means any area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act that may be adversely impacted by underground mining operations including impacts of subsidence.

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"Significant forest cover" means an area where the plant community consists predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air or water resources" means:

An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life;

An environmental harm is imminent if a condition, practice, or violation exists which:

is causing such harm; or

May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 8.06(c) of the State Act. (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7908.06(c)).

An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Siltation structure" means a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will meet applicable effluent standards.

"Slope" means average inclination of a surface measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v: 5h). It may also be expressed as a percent or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

A horizon. The uppermost mineral layer, often called the surface soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

E horizon. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from the underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

B horizon. The layer that typically is immediately beneath the A and E horizons and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

C horizon. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected

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by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 62 Ill. Adm. Code 1785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"State Act" means the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, pars. 7901.01 et seq.)

"State regulatory program" means the Illinois program which the Secretary approved on June 1, 1982 pursuant to 30 CFR 732.1 through 732.15.

"Steep slope" means any slope of more than twenty (20) degrees or such lesser slope as the Department may designate after consideration of such regional characteristics as soil and climate.

"Substantially disturb" means, for purposes of coal exploration, to impact significantly upon land, air or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine alone, as described in the above example, are not sufficient to constitute substantial legal and financial commitments.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those

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rights.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over the coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface coal mining and reclamation operations", or "mining and reclamation operations", means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations".

"Surface coal mining operations", or "mining operations" means:

Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 of the Federal Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce, or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine-site, provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed sixteen and two-thirds (16 2/3) per centum of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Federal Act; and provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

The areas upon which the activities described in subsection (a) occur or where those activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface mining operations" means activities conducted on the surface of lands in connection with a surface coal mine or surface operations. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, coal recovery from coal waste disposal areas, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and the areas on which such activities occur or where such activities disturb the natural land surface. Such areas include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incidental to such activities. Section 1.03(a)(24) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(24)).

"Suspended solids or nonfilterable residue, expressed as milligrams per liter", means any materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

"Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Temporary impoundment" means an impoundment which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Ton" means two thousand (2000) pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

"Toxic - forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to living organisms or uses of water.

"Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill or injure, or impair living organisms commonly present in the area that might be exposed to it.

"Transfer, assignment or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit which the Department issued.

"Underground development waste" means waste rock mixtures resulting from development of areas for underground mining activities.

"Underground mining activities" means a combination of:

Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and

Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

"Underground mining operations" means the underground excavation of coal; and

surface operations incident to the underground extraction of coal, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas on which are sited support facilities including hoist and ventilation ducts, areas used for the storage and disposal of waste, and areas on which materials incident to underground mining operations are placed; and underground operations incident to underground excavation of coal, such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, or blasting. Section 1.03(a)(26) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(26)).

"Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of the operator's permit or any requirement of the State Act due to indifference, lack of

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diligence, or lack of reasonable care, or the failure to abate any violation of such permit of the State due to indifference, lack of diligence, or lack of reasonable care. Section 1.03(a)(27) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7901.03(a)(27)).

"Valid existing rights" means:

Except for haul roads, that a person possesses valid existing rights for an area protected under Section 7.01 of the State Act (Ill. Rev. Stat. 1985 1987, ch. 96 1/2, par. 7907.01) on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of the Illinois Constitution of 1970 or both.

For haul roads

A recorded right of way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977; or at the time of the designation of an area, as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of the coming into existence, within the prohibited distance, of a structure, road, cemetery, or other activity listed in Section 7.01 of the State Act, or

Any other road in existence as of August 3, 1977. or at the time of the designation of an area as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of coming into existence, within the prohibited distance of a structure, road, cemetery or other activity listed in Section 7.01 of the State Act.

A person possesses valid existing rights if the person proposes to conduct surface coal mining operations can demonstrate that the coal is needed for and immediately adjacent to an ongoing surface coal mining operation which existed on August 3, 1977. A determination that coal is needed for will be based upon a finding that the extension of mining is essential to make the surface coal mining operations as a whole economically viable. Where an area comes under the protection of Section 7.01 of the State Act after August 3, 1977, valid existing right shall be found if:

On the date the protection comes into existence, a validly authorized surface coal mine operation exists on that area; or

The prohibition caused by Section 7.01 of the State Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of

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the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of Illinois Constitution of 1970 or both.

Interpretation of the terms of the document relied upon to establish valid existing rights shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or, where Illinois case law is lacking, upon the usage and custom at the time and place where it came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

"Valley fill" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than twenty (20) degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

"Violation notice" means any notification, by letter, memorandum, legal or administrative pleading, or other written communication, from a governmental entity, telling of a violation of law.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"Willful violation" means a deliberate act or omission which violates the State Act, these regulations, or any permit condition which the State Act requires.

(Source: Amended at 14 Ill. Reg. 11800, effective January 1, 1991)

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## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

1) The Heading of the Part: Individual Civil Penalties2) Code Citation: 62 Ill. Adm. Code 18463) Section Numbers: Adopted Action:

1846.1	New Section
1846.5	New Section
1846.12	New Section
1846.14	New Section
1846.17	New Section
1846.18	New Section

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)5) Effective Date of Rules: January 1, 19916) Does this rulemaking contain an automatic repeal date? No7) Does the adopted rule contain incorporations by reference pursuant to Section 6.02(b) of the Act? No8) Date filed in agency's principal office: July 1, 19909) Date Notice of Proposed Rules published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12248

10) Has JCAR issued a Statement of Objections to this rulemaking? No11) Changes made between proposed and adopted version:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1846.5, to label the three definitions as "a", "b", and "c" and also to indent the definitions as required by the Code Division.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes13) Will this rule replace an emergency rule currently in effect? No14) Are there any proposed amendments pending on this Part? No15) Summary and purpose of rules:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On December 16, 1988, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The adopted amendments to the Illinois regulations outlined below served to address the concerns set forth in OSMRE's December 16, 1988 letter.

The following discussion describes the adopted amendments of Part 1846:

Section 1846.1 sets forth the scope of the Department's individual civil penalty rules. These adopted rules serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 846.1.

Section 1846.5 sets forth the definitions used in Part 1846. These adopted rules serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 846.5.

Section 1846.12 outlines when the Department may assess an individual civil penalty. These adopted rules serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 846.12.

Section 1846.14 sets forth the Department's method for computing individual civil penalties. These adopted rules serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 846.14.

Section 1846.17 outlines the Department's procedures for assessing individual civil penalties. These adopted rules serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 846.17.

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## TITLE 62: MINING

## CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1846

## INDIVIDUAL CIVIL PENALTIES

- Section 1846.1 Scope
- 1846.5 Definitions
- 1846.12 When an individual civil penalty may be assessed
- 1846.14 Amount of individual civil penalty
- 1846.17 Procedure for assessment of individual civil penalty.
- 1846.18 Payment of penalty

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 14 Ill. Reg. 11825, effective January 1, 1991.

## Section 1846.1 Scope

This Part covers the Illinois Department of Mines and Minerals' (Department) assessment of individual civil penalties under Section 8.04(f) of the Surface Coal Mining Land Conservation and Reclamation Act (State Act) (Ill. Rev. Stat. 1987, ch. 96 1/2, par. 7908.04(f)).

## Section 1846.5 Definitions

For purposes of this Part:

- a) Knowingly means that an individual knew or had reason to know in authorizing, ordering or carrying out an act or omission on the part of a corporate permittee that such act or omission constituted a violation, failure or refusal.
- b) Violation, failure or refusal means -
  - 1) A violation of a condition of a permit issued pursuant to Section 2.01 of the State Act (Ill. Rev. Stat. 1987, ch. 96 1/2, par. 7902.01); or
  - 2) A failure or refusal to comply with any order issued under Section 8.06 of the State Act (Ill. Rev. Stat. 1987, ch. 96 1/2, par. 7908.06), or any order incorporated in a final decision issued by the Department under the State Act, except an order incorporated in a decision issued under Section 8.06(b) of the State Act (Ill. Rev. Stat. 1987, ch. 96 1/2, par. 7908.06(b)).
- c) Willfully means that an individual acted -
  - 1) Either intentionally, voluntarily, or consciously, and
  - 2) With intentional disregard or plain indifference to legal requirements in authorizing, ordering or carrying out a corporate

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permittee's action or omission that constituted a violation, failure or refusal.

## Section 1846.12 When an individual civil penalty may be assessed

- a) Except as provided in subsection (b), the Department may assess an individual civil penalty against any corporate director, officer or agent of a corporate permittee who knowingly and willfully authorized, ordered or carried out a violation, failure or refusal.
- b) The Department shall not assess an individual civil penalty in situations resulting from a permit violation by a corporate permittee until a cessation order has been issued by the Department to the corporate permittee for the violation, and the cessation order has remained unabated for 30 days.

## Section 1846.14 Amount of individual civil penalty

a) In determining the amount of an individual civil penalty assessed under Section 1846.12, the Department shall consider the criteria specified in Section 8.04(a) of the State Act including:

- 1) The individual's history of authorizing, ordering or carrying out previous violations, failures or refusals at the particular surface coal mining operation;
  - 2) The seriousness of the violation, failure, or refusal (as indicated by the extent of damage and/or the cost of reclamation), including any irreparable harm to the environment and any hazard to the health or safety of the public; and
  - 3) The determined good faith of the individual charged in attempting to achieve rapid compliance after notice of the violation, failure or refusal.
- b) The penalty shall not exceed \$5,000 for each violation. Each day of a continuing violation may be deemed a separate violation and the Department may assess a separate individual civil penalty for each day the violation, failure or refusal continues, from the date of service of the underlying notice of violation, cessation order or other order incorporated in a final decision issued by the Department, until abatement or compliance is achieved.

## Section 1846.17 Procedure for assessment of individual civil penalty.

- a) Notice. The Department shall serve on each individual to be assessed an individual civil penalty a notice of proposed individual civil penalty assessment, including a narrative explanation of the reasons for the penalty, the amount to be assessed, and a copy of any underlying notice of violation and cessation order.
- b) Final order and opportunity for review. The notice of proposed individual civil penalty assessment shall become a final administrative decision of the Department 30 days after service upon the individual unless:

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- 1) The individual files, within 30 days of service of the notice of proposed individual civil penalty assessment, a petition for review with the Illinois Department of Mines and Minerals, Land Reclamation Division, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197, in accordance with 62 Ill. Adm. Code 1843.16; or
- 2) The Department and the individual or responsible corporate permittee agree within 30 days of service of the notice of proposed individual civil penalty assessment to a schedule or plan for the abatement or correction of the violation, failure or refusal.
- c) Service. For purposes of this Section, service is sufficient if it would satisfy the requirements of 62 Ill. Adm. Code 1843.14.

**Section 1846.18 Payment of penalty**

- a) No abatement or appeal. If a notice of proposed individual civil penalty assessment becomes a final administrative decision in the absence of a petition for review or abatement agreement, the penalty shall be due upon issuance of the Department's decision.
- b) Appeal. If an individual named in a notice of proposed individual civil penalty assessment files a petition for review in accordance with Section 1843.16, the penalty shall be due upon issuance of a final administrative decision affirming, increasing or decreasing the proposed penalty.
- c) Abatement agreement. Where the Department and the corporate permittee or individual have agreed in writing on a plan for the abatement of or compliance with the unabated order, an individual named in a notice of proposed individual civil penalty assessment may postpone payment until receiving either a final administrative decision from the Department stating that the penalty is due on the date of such final administrative decision, or written notice that abatement or compliance is satisfactory and the penalty has been withdrawn.

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- 1) The Heading of the Part: Permanent Program Performance Standards--Surface Mining Activities
- 2) Code Citation: 62 Ill. Adm. Code 1816
- 3) Section Numbers: Adopted Action:  

1816.49	Amended
1816.64	Amended
1816.67	Amended
1816.88	Amended
1816.83	Amended
1816.97	Amended
1816.99	Amended
1816.102	Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1990
- 9) Date Notice of Proposed Amendments published in Illinois Register: July 28, 1989; 13 Ill. Reg. 12255
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:  

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The first sentence of Section 1816.49(a)(9)(B), as proposed, is amended

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to state:

All other impoundments shall be inspected at least weekly during construction and upon completion of construction.

The last sentence in the opening paragraph of Section 1816.49(a)(10) is modified to read as follows:

If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this subsection, following approval by the Department:

The second sentence of Section 1816.49(a)(10), as modified, is changed to read as follows:

At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations.

Section 1816.49(a)(10)(B) will be changed to read as follows:

Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; and

Section 1816.49(a)(10)(C) will be changed to read as follows:

Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

The first sentence of Section 1816.49 (b)(9) is changed to read as follows:

Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and

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soil type.

A new subsection (b)(10) is added to Section 1816.49(b) reading as follows:

In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

(A) Of nonerodible construction and designed to carry sustained flows; or

(B) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

Section 1816.49(c) is renumbered subsection (c)(1). The first sentence of renumbered Section 1816.49(c)(1) is changed to read as follows:

Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

A new subsection (c)(2) is added to Section 1816.49(c) reading as follows:

In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (c)(2)(A) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

(A) Of nonerodible construction and designed to carry sustained flows; or

(B) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

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Sections 1816.61(c) and 1816.64(c) are restored to their original language.

Section 1816.64(d)(2)(B) is amended to read as follows:

Dates and time periods when explosives are to be detonated.

62 Ill. Adm. Code 1816.67(c)(1)(B) will be re-formatted by separating the sentence as suggested:

B) The top stemming height is less than seventy percent (70%) of the burden dimension,

the air blast produced by that blast shall be measured ...

Section 1816.67(g) is modified to read as follows:

When the scaled distance, as defined below, has a value of less than sixty-five (65) at the nearest dwelling, public building, school, church, or commercial or institutional structure, a seismograph recording shall be made at or near the closest structure requiring protection.

Section 1816.83(a)(3) is changed to read as follows:

Underdrains shall comply with the requirements of Section 1816.71(1)(2).

The first sentence of Section 1816.97(b) is changed by adding the words "of 1973, as amended," after "Endangered Species Act".

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

To revise Section 1816.49(a)(9)(A) to read: "1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1989) and this Section. 30 CFR 77.216 does not include any later editions or amendments."

To provide in Section 1816.49(a)(10) a cross-reference to the Department's rules on bond release which appear at 62 Ill. Adm. Code 1800.40.

To insert Appendix A, Exhibit A, and Tables A, B, C, D, E, and F in the Table of Contents.

In Section 1816.83, to update the citation to the 1989 edition of the

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Code of Federal Regulations.

In Section 1816.83(a)(1), to hyphenate man-made and to underling the hyphen.

In Section 1816.83(a)(1), to include an "r" in "water" and an "e" in "minimize" in Section 1816.83(c)(3).

In Section 1816.67(b), to insert "Air blast limits" as the heading and "Air Blast Monitoring" for subsection (c).

In Section 1816.67(b)(1), to change the footnote notation from "1" to an "\*".

In Section 1816.97(b), to delete the comma before "(16 U.S.C. 1531 et. seq.)".

In Section 1816.97(b), to include a citation to the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.) immediately after the citation to the federal Act in order to be consistent with 62 Ill. Adm. Code 1817.97(b).

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

## 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) revised a significant number of the the permanent program regulations.

On December 16, 1988, the Department received from the OSMRE a letter pursuant to 30 CFR 732.17 setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. On October 25, 1988, OSMRE approved amendments to the Department's rules conditioned upon the submittal of new amendments designed to correct defects identified in Illinois's rules. The proposed amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments to Part 1816:

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Section 1816.49 sets forth the Department's hydrologic balance protection and water effluent performance standards. The adopted amendments to Section 1816.49 enhance the clarity and utility of Illinois' rules while serving to bring these requirements into compliance with OSMRE's counterpart regulations, 30 CFR 816.49.

Section 1816.64 sets forth the Department's requirement for publishing, distribution and compliance with blasting schedules. The adopted amendments to Section 1816.64 serve to enhance the clarity of the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 816.64.

Section 1816.67 sets forth the Department's requirements for limiting and monitoring the off site adverse effects of blasting operations; i.e., ground vibration, air blast and flyrock. The amendments to this section enhance clarity and serve to make Illinois' rules consistent with the OSMRE counterpart regulation, 30 CFR 816.67.

Section 1816.68 sets forth the Department's requirements for compiling and maintaining records, including seismograms and air blast recordings where required, of each production blast fired at the mine in the permit area. The adopted amendments serve to enhance the clarity of the Department's requirements consistent with OSMRE's counterpart regulation, 30 CFR 816.68.

Section 1816.83 sets forth the Department's regulations regarding coal processing waste storage and disposal. The adopted amendments to Section 1816.83 serve to enhance the clarity of the Department's requirements consistent with OSMRE's counterpart regulation, 30 CFR 816.83.

Section 1816.97 sets forth the Department's regulation concerning the protection of fish, wildlife, and related environmental values. The adopted amendments to Section 1816.97 will serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 816.97.

Section 1816.99 sets forth the Department's requirements concerning slides and other damage. The adopted amendments to Section 1816.99 serve to enhance the clarity of the Department's requirements consistent with OSMRE's counterpart regulation, 30 CFR 816.99.

Section 1816.102 sets forth the Department's requirements regarding backfilling, grading and stabilization. The adopted amendments to Section 1816.102 serve to enhance the clarity of the Department's requirements consistent with OSMRE's counterpart regulation, 30 CFR 816.102.

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16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197  
Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

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TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1816

## PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES

Section		Water Quality Standards and Effluent Limitations
1816.11	Signs and Markers	
1816.13	Casing and Sealing of Drilled Holes: General Requirements	
1816.14	Casing and Sealing of Drilled Holes: Temporary	
1816.15	Casing and Sealing of Drilled Holes: Permanent	
1816.21	Topsoil: General Requirements (Repealed)	
1816.22	Topsoil and Subsoil	
1816.23	Topsoil: Storage (Repealed)	
1816.24	Topsoil: Redistribution (Repealed)	
1816.25	Topsoil: Nutrients and Soil Amendments (Repealed)	
1816.41	Hydrologic Balance Protection	
1816.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations	
1816.43	Diversions	
1816.44	Hydrologic Balance: Stream Channel Diversions (Repealed)	
1816.45	Hydrologic Balance: Sediment Control Measures	
1816.46	Hydrologic Balance: Siltation Structures	
1816.47	Hydrologic Balance: Discharge of Structures	
1816.48	Hydrologic Balance: Acid-Forming and Toxic-Forming Spoil (Repealed)	
1816.49	Impoundments	
1816.50	Hydrologic Balance: Ground Water Protection (Repealed)	
1816.51	Hydrologic Balance: Protection of Ground Water Recharge Capacity (Repealed)	
1816.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)	
1816.53	Hydrologic Balance: Transfer of Wells (Repealed)	
1816.54	Hydrologic Balance: Water Rights and Replacement (Repealed)	
1816.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)	
1816.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities	
1816.57	Hydrologic Balance: Stream Buffer Zones	
1816.59	Coal Recovery	
1816.61	Use of Explosives: General Requirements	
1816.62	Use of Explosives: Pre-Blasting Survey	
1816.64	Use of Explosives: Public Notice of Blasting Schedule	
1816.65	Use of Explosives: Surface Blasting Requirements (Repealed)	
1816.66	Use of Explosives: Blasting Signs, Warnings, and Access Control	
1816.67	Use of Explosives: Control of Adverse Effects	
1816.68	Use of Explosives: Records of Blasting Operations	
1816.71	Disposal of Excess Spoil: General Requirements	
1816.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills	
1816.73	Disposal of Excess Spoil: Head-Of-Hollow Fills (Repealed)	

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1816.74	Disposal of Excess Spoil: Durable Rock Fills	
1816.75	Disposal of Excess Spoil: Preexisting Benches	
1816.79	Protection of Underground Mining	
1816.81	Coal Mine Waste: General Requirements	
1816.82	Coal Processing Waste Banks: Site Inspection (Repealed)	
1816.83	Coal Mine Waste: Refuse Piles	
1816.84	Coal Mine Waste: Impounding Structures	
1816.85	Coal Processing Waste Banks: Construction Requirements (Repealed)	
1816.86	Coal Processing Waste: Burning (Repealed)	
1816.87	Coal Mine Waste: Burned Waste Utilization	
1816.88	Coal Processing Waste: Return to Underground Workings (Repealed)	
1816.89	Disposal of Noncoal Mine Wastes	
1816.91	Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)	
1816.92	Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)	
1816.93	Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)	
1816.94	Coal Processing Waste: Time and Requirements for Completion of Covering (Repealed)	
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1816.97	Protection of Fish, Wildlife, and Related Environmental Values	
1816.99	Slides and Other Damage	
1816.100	Contemporaneous Reclamation	
1816.101	Backfilling and Grading: General Requirements	
1816.102	Backfilling and Grading: General Grading Requirements	
1816.103	Backfilling and Grading: Covering or Treating Coal and Acid- and Toxic-Forming Materials (Repealed)	
1816.104	Backfilling and Grading: Thin Overburden	
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1816.107	Backfilling and Grading: Steep Slopes	
1816.111	Revegetation: General Requirements	
1816.112	Revegetation: Use of Introduced Species (Repealed)	
1816.113	Revegetation: Timing	
1816.114	Revegetation: Mulching and Other Soil Stabilizing Practices	
1816.115	Revegetation: Grazing (Repealed)	
1816.116	Revegetation: Standards for Success	
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TABLE E	Soil Master Files
TABLE F	County Cropped Acreage File

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830 \_\_, effective January 1, 1991.

## Section 1816.49 Impoundments

a) The requirements of this subsection apply to both temporary and permanent impoundments.

- 1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1989) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1780. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.
- 2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1780.25(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.
- 3) Impoundments shall have a minimum static safety factor of 1.5 for the normal pool with steady seepage saturation conditions, and a seismic safety factor of at least 1.2.
- 4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.
- 5) Foundations.
  - A) Foundations and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing shall be performed in order to determine the design requirements for foundation stability.

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- B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.
- 6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.
- 7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.
- 8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).
- 9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) ~~Inspections shall be made regularly during construction upon completion of construction and at least yearly until removal of the structure or release of the performance bond.~~ Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports acquired under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least weekly during construction and upon completion of construction. The qualified registered professional engineer shall submit to the Department promptly within thirty (30) days after each inspection, provide to the Department a sealed report that the impoundment has been constructed as designed and maintained as designed and in accordance with the approved plan and these regulations. ~~The report shall include discussion of any appearances of instability, structural weakness or other hazardous conditions, depth and elevation of any impounded waters, existing storage capacity, and existing or required monitoring procedures, and instrumentation and any other aspects of the structure affecting stability.~~

C) A copy of the reports required in subsections (a)(9)(A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying

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criteria of 30 CFR 77.216(a) shall be examined-in accordance-with 30-EPR-77-216-6-Other-impoundments shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness and or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this subsection, following approval by the Department:

- A) Impoundments that are completely incised;
  - B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; and
  - C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.
- 11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.
- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:
- 1) The size and configuration of the impoundment is adequate for its intended purposes.
  - 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet

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water quality standards set forth in Section 1816.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1816.42.

- 3) The water level will be sufficiently stable and be capable of supporting the intended use.
- 4) Final grading will provide for adequate safety and access for proposed water users.
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.
- 6) The impoundment will be suitable for the approved post-mining land use.
- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

A) Runoff from above the slope shall be diverted to erosion free outlets.

B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

- 8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have out slopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~fifty~~ twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil and type.

- 10) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:
  - A) Of nonerodible construction and designed to carry sustained flows; or
  - B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained

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flows are not expected.

- c) Temporary impoundments.
- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.
  - 2) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (C)(2)(A) and (C)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (C)(1). The Department shall approve a single open-channel spillway that is:
    - A) Of nonerodible construction and designed to carry sustained flows; or
    - B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991)

## Section 1816.64 Use of Explosives: Public Notice of Blasting Schedule

- a) All blasting shall be conducted from sunrise to sunset, and at times announced in the blasting schedule. The Department shall limit the area covered, timing and sequence of blasting, as listed in the schedule, if such limitations are necessary and reasonable in order to protect public health, safety or welfare.
- b) Unscheduled blasting may be conducted only where public or operator health and safety so require. When an operator conducts an unscheduled blast, the operator, using audible warning signals, shall notify residents within one-half (1/2) mile of the blasting site and document the reason(s) for the unscheduled blast in accordance with subsection Section 1816.68(a)(17).
- c) Blasting schedule publication.
  - 1) Each person who conducts surface mining activities shall publish a blasting schedule at least thirty (30) days, but not more than sixty (60) days, before beginning a blasting program in which blasts that use more than five (5) pounds of explosive or blasting agent are detonated. The blasting schedule shall be published in a newspaper of general circulation in the locality

of the blasting site.

- 2) Copies of the schedule shall be distributed by mail to local governments and public utilities and mailed or delivered to each residence within one-half (1/2) mile of the proposed blasting area and to every other person within or outside such area to whom the Department requires to be mailed, and daily notices shall be provided to such persons prior to any blasting.
- 3) The person who conducts the surface mining activities shall republish and redistribute the schedule by mail at least every twelve (12) months and revise and republish the schedule at least thirty (30) days but not more than sixty (60) days before blasting in areas not covered in the current schedule or if the actual blasting times differ from the time periods listed in the current schedule for more than twenty percent (20%) of the blasts fired.

## d) Blasting schedule contents.

- 1) A blasting schedule shall not be so general as to cover the entire permit area or all working hours, but shall identify as accurately as possible the location of the blasting sites and the time periods when blasting will occur.
- 2) The blasting schedule shall contain at a minimum:
  - A) Identification of the specific areas in which blasting will take place;
  - B) Dates and time periods when explosives are to be detonated;
  - C) Methods to be used to control access to the blasting area;
  - D) Types of audible warnings and all-clear signals to be used before and after blasting, and
  - E) Name, address, and telephone number of operator.

## e) Public notice of changes in blasting schedules.

Before blasting in areas or at times not in a previous schedule, the person who conducts the surface mining activities shall prepare a revised schedule according to the procedures in subsections (c) and (d).

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991)

## Section 1816.67 Use of Explosives: Control of Adverse Effects

- a) Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of ground or surface water outside the permit area.
- b) Air blast limits
  - 1) Air blast shall be controlled so that it does not exceed the values specified below at any dwelling, public building, school, church, or commercial or institutional structure, unless such structure is owned by the person who conducts the surface mining activities and is not leased to any other person. If a building

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owned by the person conducting surface mining activities is leased to another person, the lessee may sign a waiver relieving the operator from meeting the air blast limitations of this subsection. The waiver shall be submitted to the Department before beginning blasting.

Lower frequency limit of measuring system, Hz  $\pm 3$ dB  
 0.1 Hz or lower--flat response\*  
 2.0 Hz or lower--flat response  
 6.0 Hz or lower--flat response

Maximum level in dB  
 134 peak  
 133 peak  
 129 peak

\* Only when approved by the Department

- 2) The measuring systems used shall have a flat frequency response of at least two hundred (200) Hz at the upper end.
- 3) The person who conducts blasting may satisfy the provisions of subsection (b) by meeting any of the three (3) specifications in the chart in subsection (b)(1).
- 4) If necessary to prevent damages specified in subsection (a), the Department shall specify lower maximum allowable airblast levels than those in subsection (b)(1) for use in the vicinity of a specific blasting operation.

## c) Air blast monitoring

- 1) When the cube root scaled distance, as defined in subsection (c)(2), to the nearest dwelling, public building, school, church, or commercial or institutional structure has a value less than 500 and when:

- A) The burden to hole depth ratio is greater than 1.0, or
- B) The top stemming height is less than seventy percent (70%) of the burden dimension,

the air blast produced by that blast shall be measured, recorded, analyzed, and reported pursuant to subsection (h) and Section 1816.68(b). This subsection shall not apply to horizontal blast holes drilled from the floor of the pit.

- 2) Cube root scaled distance equals the distance, in feet, from the blast to a specified location divided by the cube root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

- 3) To ensure compliance with the limits contained in this Section, the Department may require an air blast measurement of any or all blasts, and may specify the location of such measurements.

- d) Flyrock, including blasted material traveling in the air, or along the ground, shall not be cast beyond the permit boundaries or beyond the area of regulated access required under Section 1816.66(c), or more than one-half the distance to the nearest dwelling or other occupied structure.

- e) In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building. At distances greater than five thousand (5,000) feet from the blast to any

structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 0.75 inch per second at the locations of the structures described in this subsection. At distances less than three hundred (300) feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 1.25 inch per second at the locations of the structures described in this subsection. These limits shall apply separately to each component of motion as defined in subsection Section 1816.67(h). The Department shall reduce peak particle velocity limits if determined necessary to provide damage protection, if so recommended in any pre-blast survey or condition report provided pursuant to Section 1816.62.

- f) If blasting is conducted to prevent adverse impacts on any underground mine and changes in the course, channel, or availability of ground, or surface water outside the permit area, then the maximum peak particle velocity limitation of subsection (d) shall not apply at the following location:

- 1) At structures owned by the person conducting the mining activity, and not leased to another party; and
- 2) At structures owned by the person conducting the mining activity, and leased to another party, if a written waiver by the lessee is submitted to the Department prior to blasting.

- g) When the scaled distance, as defined below, has a value less than sixty-five (65) at the nearest dwelling, public building, school, church, or commercial or institutional structure, a seismograph recording shall be made at or near the closest structure requiring protection.

- 1) Scaled Distance = The distance, in feet, from the blast to a specified location divided by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

- 2) To ensure compliance with the limits contained in this Section, the Department may require a seismograph recording of any or all blasts and may specify the location at which such recordings are made.

- h) As used herein, seismograph recording or record or air blast recording or record shall mean:

A visually inspectable cartesian representation of the time history of the particle velocity levels or air blast levels versus time. Time is represented on the "x" axis. The particle velocity is shown by three traces representing mutually perpendicular components of motion. The components are oriented vertically, transversely, and longitudinally to the horizontal direction from the recording location to the location of the blast. The air blast time history is represented by a single trace. The record or recording includes either an analog representation of, or a written description of the vertical scale, the particle velocity traces and the air blast trace. The units for the particle velocity traces and scale are in inches per second. The units for the air blast trace and scale are millibars, pounds per

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square inch, or decibels. The recording also includes an analog or descriptive time scale. The time units are in seconds.

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991.)

**Section 1816.68 Use of Explosives: Records of Blasting Operations**

a) A record of each blast, including seismograph reports, shall be retained by the operator for at least three (3) years and shall be available for inspection by the Department and the public on request. The record is to be completed by the end of the work day following the day in which the blast occurred, including the seismograph meter reading, if available, and shall contain the following data:

- 1) Name of the operator conducting the blast;
- 2) Location, date, and time of blast;
- 3) Name, signature, and certification number of the blaster conducting the blast;
- 4) The name of the owner or resident of, and the direction and distance, in feet, to the nearest dwelling, school, church, or commercial, or institutional building either:
  - A) Not located in the permit area; or
  - B) Not owned by the person who conducts the surface mining activities.

- 5) Type of material blasted;
- 6) Number of holes, burden, and spacing;
- 7) Diameter and depth of holes;
- 8) Types of explosives used;
- 9) Total weight of explosives used;
- 10) Weight of explosives used per hole;
- 11) Maximum weight of explosives detonated within any eight (8) millisecond period;
- 12) Maximum number of holes or decks detonated within any eight (8) millisecond period;
- 13) Initiation system;
- 14) Type and length of stemming;
- 15) Type of delay detonator and delay periods used;
- 16) Sketch of the delay pattern, including decking;
- 17) Reasons and conditions for each unscheduled blast; and
- 18) ~~Wind-velocity-and-direction-~~

b) Air blast and/or ground vibration recordings, or photographic copies thereof, where required, shall be kept at the mine site office for a period of three (3) years following the date of the blast, and shall be available for inspection by the Department and the public on request. The recordings shall include the following:

- 1) Maximum air blast and/or ground vibration levels recorded;
- 2) The exact location of the monitoring equipment, and its distance from the blast, and the date and time of the recording;
- 3) Name of the person and firm making the recording;

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- 4) Name of the person and firm analyzing the recording. The recording shall be signed and dated by the person performing the analysis; and
- 5) The type of instrument, sensitivity, and calibration signal or certification of annual calibration. When the recordings required at Sections 1816.67(c) and 1816.67(g) are produced via digitized systems, the sampling rate of the digitizer, in samples per second, shall be stated.

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991.)

**Section 1816.83 Coal Mine Waste: Refuse Piles**

Refuse piles shall meet the requirements of Section 1816.81, the additional requirements of this Section, and the requirements of 30 CFR 77.214 and 77.215 (19869). 30 CFR 77.214 and 77.215 (19869) do not include any subsequent amendments or editions.

## a) Drainage control.

- 1) If the disposal area contains springs, natural or man-made water courses, or wet weather seeps, the design shall include diversions and underdrains as necessary to control erosion, prevent water infiltration into the disposal facility and ensure stability.

- 2) Uncontrolled surface drainage may not be diverted over the outslope of the refuse piles. Runoff from the areas above the refuse pile and runoff from the surface of the refuse pile shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1816.43 to safely pass the runoff from a one hundred (100) year, six (6) hour precipitation event. Runoff diverted from undisturbed areas need not be commingled with runoff from the surface of the refuse pile.

- 3) Underdrains shall comply with the requirements of Section 1816.79147(1)(2).

- b) Surface area stabilization. Slope protection shall be provided to minimize erosion at the site. All disturbed areas, including diversion channels that are not riprapped or otherwise protected from erosion, shall be revegetated upon completion of construction.

## c) Placement.

- 1) All vegetative and organic materials shall be removed from the disposal area prior to placement of coal mine waste. Topsoil shall be removed, segregated and stored or redistributed in accordance with Section 1816.22. If approved by the Department, organic material may be used as mulch, or may be included in the topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.
- 2) The final configuration of the refuse pile shall be suitable for the approved post-mining land use. Terraces may be constructed on the outslope of the refuse pile if required for stability,

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erosion control, conservation of soil moisture, or facilitation of the approved post-mining land use. The grade of the outslope between terrace benches shall not be steeper than 2h:1v (fifty (50) percent).

- 3) No permanent impoundments shall be allowed on the completed refuse pile. Small depressions may be allowed by the Department if they are needed to retain moisture, minimize erosion, create and enhance wildlife habitat, or assist revegetation, and if they are not incompatible with stability of the refuse pile.

- 4) Following final grading of the refuse pile, the coal mine waste shall be covered with a minimum of four (4) feet of the best available, nontoxic and noncombustible material, in a manner that does not impede drainage from the underdrains. The Department may allow less than four (4) feet of cover material based on physical and chemical analyses which show that the requirements of Section 1816.111 through 1816.117 will be met.

- d) Inspections. A qualified registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, shall inspect the refuse pile during construction. The professional engineer or specialist shall be experienced in the construction of similar earth and waste structures.

- 1) Such inspections shall be made at least quarterly throughout construction and during critical construction periods. Critical construction periods shall include foundation preparation including the removal of all organic material and topsoil; placement of underdrains and protective filter systems; installation of final surface drainage systems; and the final graded and revegetated facility. Regular inspections by the engineer or specialist shall also be conducted during placement and compaction of coal mine waste materials. More frequent inspections shall be conducted if a danger of harm exists to the public health and safety or the environment. Inspections shall continue until the refuse pile has been finally graded and revegetated.

- 2) The qualified registered professional engineer shall provide a sealed report to the Department promptly after each inspection that the refuse pile has been constructed and maintained as designed and in accordance with the approved plan and 62 Ill. Adm. Code 1700 through 1850. The report shall include appearances of instability, structural weakness, and other hazardous conditions.

- 3) The sealed report on the drainage system and protective filters shall include color photographs taken during and after construction, but before underdrains are covered with coal mine waste. If the underdrain system is constructed in phases, each phase shall be sealed separately. The photographs accompanying each certified report shall be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to

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specifically and clearly identify the site.

- 4) A copy of each inspection report shall be retained at or near the minesite.

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991)

## Section 1816.97 Protection of Fish, Wildlife, and Related Environmental Values

- a) The operator shall, to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the activities on fish, wildlife, and related environmental values, and shall achieve enhancement of such resources where practicable.

- b) No surface mining activity shall be conducted which will be likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary of the United States Department of the Interior (Secretary) or which will be likely to result in the destruction or adverse modification of designated critical habitats of such species in violation of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.). The operator shall immediately report to the Department any State- or federally-listed endangered or threatened species within the permit area of which the operator becomes aware. Upon notification, the Department shall consult with appropriate State and Federal fish and wildlife agencies and, after consultation, shall identify whether, and under what conditions, the operator may proceed.

- c) No surface mining activity shall be conducted in a manner which would result in the unlawful taking of a bald or golden eagle, its nest, or any of its eggs. The operator shall promptly report to the Department any golden or bald eagle nest within the permit area of which the operator becomes aware. Upon notification, the Department shall consult with the U.S. Fish and Wildlife Service and also, where appropriate, the State fish and wildlife agency and after consultation, shall identify whether, and under what conditions, the operator may proceed in order to ensure that the operation is not in violation of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.).

- d) Nothing in these regulations shall authorize the taking of an endangered or threatened species or a bald or golden eagle, its nest, or any of its eggs in violation of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.), or the Bald Eagle Protection Act, as amended, (16 U.S.C. 668 et seq.).

- e) Each operator shall, to the extent possible using the best technology currently available:

- 1) Ensure that electric powerlines and other transmission facilities used for, or incidental to, surface mining activities on the permit area are designed and constructed to minimize electrocution hazards to raptors, except where the Department

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determines that such requirements are unnecessary, due to factors such as the absence of raptors;

- 2) Locate and operate haul and access roads so as to avoid or minimize impacts on important fish and wildlife species or other species protected by State or Federal law specified in 62 Ill. Adm. Code 1773.12; and

- 3) Design fences, overland conveyers, and other potential barriers to permit passage for large mammals, except where the Department determines that such requirements are unnecessary, due to factors such as the absence of large mammals; and

- 4) Fence, cover, or use of other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials.

- f) The operator conducting surface mining activities shall avoid disturbances to, enhance where practicable, restore, or replace, wetlands, and riparian vegetation along rivers and streams and bordering ponds and lakes. Surface mining activities shall avoid disturbances to, enhance where practicable, or restore, habitats of unusually high value for fish and wildlife such as wetlands and riparian vegetation.

- g) Where fish and wildlife habitat is to be a post-mining land use, the plant species to be used on reclaimed areas shall be selected on the basis of the following criteria:

- 1) Their proven nutritional value for fish or wildlife.
- 2) Their use as cover for fish or wildlife.
- 3) Their ability to support and enhance fish or wildlife habitat after the release of performance bonds. The selected plants shall be grouped and distributed in a manner which optimizes edge effect, cover, and other benefits to fish and wildlife.

- h) Where cropland is to be the post-mining land use, where appropriate for wildlife and crop management practices, the operator shall intersperse the fields with trees, hedges, or fence rows throughout the harvested area to break up large blocks of monoculture and to diversify habitat types for birds and other animals.

- i) Where residential, public service, or industrial uses are to be the post-mining land use, and where consistent with the approved post-mining land use, the operator shall intersperse reclaimed lands with greenbelts utilizing species of grass, shrubs, and trees useful as food and cover for wildlife.

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991)

## Section 1816.99 Slides and Other Damage

- a) An undisturbed natural barrier or constructed outcrop shall be provided beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as may be determined by the Department as is needed to assure stability. The

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- b) At any time a slide occurs which may have a potential adverse effect on public property, health, safety, or the environment, the person who conducts the surface mining activities shall notify the Department by the fastest available means and comply with any remedial measures required by the Department.

- c) Operators that remove and do not replace the lateral support within a three (3) month period shall not, unless mutually agreed upon by the operator and the adjacent property owner, approach property lines, established right-of-way lines of any public roads, streets or highways closer than a distance, measured horizontally from the property line or right-of-way, equal to ten (10) feet plus one and one-half (1 1/2) times the depth of the any excavation except where consolidated materials or materials of sufficient hardness or ability to resist weathering and to inhibit erosion or sloughing exists in the highway excavation, the distance from the property line or any established right-of-way line shall not, unless mutually agreed, be closer than a distance equal to ten (10) feet plus one and one-half (1 1/2) times the depth from the natural ground surface to the top of the consolidated material or materials. When the operator desires to remove the lateral support and replace it within a three (3) month period, the operator shall submit to the Department a written request for said purpose, outlining how the lateral support shall be replaced within three (3) months. Said request shall be approved or denied by the Department in accordance with 62 Ill. Adm. Code 1774.

(Source: Amended at 14 Ill. Reg. 11830, effective January 1, 1991)

## Section 1816.102 Backfilling and Grading: General Grading Requirements

- a) Disturbed areas shall be backfilled and graded to:
  - 1) Achieve the approximate original contour, except as provided in subsection (k);
  - 2) Eliminate all highwalls, spoil piles, and depressions, except as provided in subsection (h) (small depressions) and in subsection (k)(3)(i)-(c) (previously mined highwalls);
  - 3) Achieve a post-mining slope that does not exceed either the angle of repose or such lesser slope as is necessary to achieve a minimum long-term static safety factor of 1.3 and to prevent slides;
  - 4) Minimize erosion and water pollution both on and off the site in accordance with Sections 1816.42 and 1816.95; and
  - 5) Support the approved post-mining land use.
- b) Spoil, except excess spoil disposed of in accordance with Sections 1816.71 through 1816.74, shall be returned to the mined-out area.
- c) Spoil and waste materials shall be compacted to ensure stability or to prevent leaching of toxic materials.
- d) Spoil may be placed on the area outside the mined-out area in nonsteep

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slope areas to restore the approximate original contour by blending the spoil into the surrounding terrain if the following requirements are met:

- 1) All vegetative and organic material shall be removed from the area.
- 2) The topsoil on the area shall be removed, segregated, stored, and redistributed in accordance with Section 1816.22.
- 3) The spoil shall be backfilled and graded on the area in accordance with the requirements of this Section.
- e) Disposal of coal processing waste and underground development waste in the mined-out area shall be in accordance with Sections 1816.81 and 1816.83, except that a long-term static safety factor of 1.3 shall be achieved.
- f) Exposed coal seams, acid- and toxic-forming materials, and combustible materials exposed, used, or produced during mining shall be adequately covered with nontoxic and noncombustible material, or treated, to control the impact on surface and groundwater in accordance with Section 1816.41, to prevent sustained combustion, and to be in compliance with the revegetation requirements of Section 1816.111(a) and the approved post-mining land use.
- g) Cut-and-fill terraces may be allowed by the Department where:
  - 1) Needed to conserve soil moisture to ensure revegetation, ensure stability, and control erosion on final-graded slopes, if the terraces are compatible with the approved post-mining land use in accordance with Sections 1816.41, 1816.95 and 1816.111; or
  - 2) Specialized grading, foundation conditions, or roads are required for the approved post-mining land use, in which case the final grading may include a terrace to ensure the safety, stability, and erosion control necessary to implement the post-mining land use plan.
- h) Small depressions may be constructed if they are needed to minimize erosion, create and enhance wildlife habitat, or assist revegetation by retaining moisture, in accordance with Sections 1816.41, 1816.95, 1816.97 and 1816.111.
- i) Permanent impoundments may be approved if they meet the requirements of Sections 1816.49 and 1816.56.
- j) Preparation of final-graded surfaces shall be conducted in a manner that minimizes erosion in accordance with Section 1816.45 and provides a surface for replacement of topsoil that will minimize slippage such as discing and scarification.
- k) The post-mining slope may vary from the approximate original contour when:
  - 1) The standards for thin overburden in Section 1816.104 are met;
  - 2) The standards for thick overburden in Section 1816.105 are met; or
- 3) Approval is obtained from the Department for:
  - A) Mountaintop removal operations in accordance with 62 Ill. Adm. Code 1785.14;
  - B) A variance from approximate original contour requirements in

accordance with 62 Ill. Adm. Code 1785.16; or  
 C) Incomplete elimination of highwalls in previously mined areas in accordance with Section 1816.106.

(Source: Amended at 14 Ill. Reg. 11830, effective  
 January 1, 1991 )

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- 1) The Heading of the Part: Permanent Program Performance Standards--Underground Mining Operations

2) Code Citation: 62 Ill. Adm. Code 1817

3) Section Numbers: Adopted Action:

1817.49	Amended
1817.64	Amended
1817.66	Amended
1817.67	Amended
1817.68	Amended
1817.83	Amended
1817.87	Amended
1817.122	Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12280

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The first sentence of Section 1817.49(a)(9)(B), as proposed, is amended

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to state:

All other impoundments shall be inspected at least weekly during construction and upon completion of construction.

The last sentence in the opening paragraph of Section 1817.49(a)(10) is modified to read as follows:

If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this subsection, following approval by the Department:

The second sentence of Section 1817.49(a)(10), as modified, is changed to read as follows:

At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations.

Section 1817.49(a)(10)(B) will be changed to read as follows:

Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; and

Section 1817.49(a)(10)(C) will be changed to read as follows:

Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

The first sentence of Section 1817.49(b)(9) is changed to read as follows:

Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and

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## TITLE 62: MINING

## CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS--  
UNDERGROUND MINING OPERATIONS

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1817.11	Signs and Markers
1817.13	Casing and Sealing of Exposed Underground Openings: General Requirements
1817.14	Casing and Sealing of Underground Openings: Temporary
1817.15	Casing and Sealing of Underground Openings: Permanent
1817.21	Topsoil: General Requirements (Repealed)
1817.22	Topsoil and Subsoil
1817.23	Topsoil: Storage (Repealed)
1817.24	Topsoil: Redistribution (Repealed)
1817.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1817.41	Hydrologic Balance: Protection
1817.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1817.43	Diversions
1817.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1817.45	Hydrologic Balance: Sediment Control Measures
1817.46	Hydrologic Balance: Siltation Structures
1817.47	Hydrologic Balance: Discharge Structures
1817.48	Hydrologic Balance: Acid - Forming and Toxic - Forming Materials (Repealed)
1817.49	Impoundments
1817.50	Hydrologic Balance: Underground Mine Entry and Access Discharges (Repealed)
1817.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1817.53	Hydrologic Balance: Transfer of Wells (Repealed)
1817.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1817.56	Post - Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities
1817.57	Hydrologic Balance: Stream Buffer Zones
1817.59	Coal Recovery
1817.61	Use of Explosives: General Requirements
1817.62	Use of Explosives: Pre - Blasting Survey
1817.64	Use of Explosives: General Performance Standards
1817.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1817.66	Use of Explosives: Blasting Signs, Warnings, and Access Control
1817.67	Use of Explosives: Control of Adverse Effects
1817.68	Use of Explosives: Records of Blasting Operations
1817.71	Disposal of Excess Spoil: General Requirements
1817.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills
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1817.74	Head-of-Hollow Fills (Repealed)
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1817.95	Coal Processing Waste: Time Requirement for Completion of Covering (Repealed)
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1817.102	Backfilling and Grading: General Requirements
1817.103	Backfilling and Grading: General Grading Requirements
1817.106	Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials (Repealed)
1817.107	Backfilling and Grading: Previously Mined Areas
1817.111	Backfilling and Grading: Steep Slopes
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## 1817.190 Affected Acreage Map

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991.

## Section 1817.49 Impoundments

a) The requirements of this subsection apply to both temporary and permanent impoundments.

1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1989) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application, insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1784. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.

2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1784.16(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

3) Impoundments shall have a minimum static safety factor of 1.5 for the normal pool with steady seepage saturation conditions, and a seismic safety factor of at least 1.2.

4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden decreases in storage volume.

5) Foundations.

A) Foundations and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing shall be performed in order to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

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6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) inspections shall be made regularly during construction upon completion of construction and at least yearly until removal of the structure or release of the performance bond. Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least weekly during construction and upon completion of construction. The qualified registered professional engineer shall submit to the Department promptly, within thirty (30) days after each inspection, provide to the Department a sealed report that the impoundment has been constructed as designed and maintained as designed and in accordance with the approved plan and these regulations. The report shall include discussion of any appearances of instability, structural weakness or other hazardous conditions, depth and elevation of any impounded waters, existing storage capacity, any existing or required monitoring procedures and instrumentation, and any other aspects of the structure affecting stability.

C) A copy of the reports required in subsections (a) (9) (A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined in accordance with 30 CFR 77.216. Other impoundments shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other

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hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this subsection following approval by the Department:

- A) Impoundments that are completely incised;
- B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; and
- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

- 1) The size and configuration of the impoundment is adequate for its intended purposes;
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1817.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1817.42;

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- 3) The water level will be sufficiently stable and be capable of supporting the intended use;
- 4) Final grading will provide for adequate safety and access for proposed water users;
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;
- 6) The impoundment will be suitable for the approved post-mining land use;
- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

- A) Runoff from above the slope shall be diverted to erosion free outlets.
- B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

- 8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have out-slopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a fifty-five (55) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

- 10) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

- A) Of nonerrodible construction and designed to carry sustained flows; or
- B) Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.

- c) Temporary impoundments.

- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway

that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or the other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

- 2) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (C)(2)(A) and (C)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (C)(1). The Department shall approve a single open-channel spillway that is:

- (A) Of nonerodible construction and designed to carry sustained flows; or  
(B) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991.)

#### Section 1817.64 Use of Explosives: General Performance Standards

- a) The operator shall notify, in writing, residents within one-half (1/2) mile of the blasting site, the Department, and local governments of the proposed times and locations of blasting operations. Such notice of times that blasting is to be conducted may be announced weekly, but in no case less than twenty four (24) hours before blasting will occur.
- b) Unscheduled blasting may be conducted only where public or operator health and safety so require. When an operator conducts an unscheduled blast, the operator, using audible warning signals, shall notify residents within one-half (1/2) mile of the blasting site and document the reason(s) for the unscheduled blast in accordance subsection 1817.68(a)(17).
- c) All blasting shall be conducted between sunrise and sunset. The Department shall limit the area covered, timing and sequence of blasting as listed in the schedule, if such limitations are necessary and reasonable in order to protect public health, safety or welfare.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991.)

#### Section 1817.66 Use of Explosives: Blasting Signs, Warnings, and Access Control

- a) Blasting signs shall meet the specifications of Section 1817.11. The operator shall:

- 1) Conspicuously display signs reading "Blasting Area Site" along the edge of any blasting area site that comes within one hundred (100) feet of any public road right-of-way, and at the point where any other road provides access to the blasting area site; and
- 2) At all entrances to the permit area from public roads or highways, place conspicuous signs which state "Warning! Explosives in Use" and which clearly list and describe the meaning of the audible blast warning and all-clear signals that are in use, and which explain the marking of blasting areas sites and charged holes awaiting firing within the permit area.
- b) Warning and all-clear signals of different character or pattern that are audible within one-half (1/2) mile of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half (1/2) mile of the permit area shall be notified of the meaning of the signals in the blasting schedule. The requirement to supply daily notice may be fulfilled by the audible warning signals.
- c) Access to the blasting area site shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting and until an authorized representative of the person who conducts the surface mining activities has reasonably determined:
- 1) That no unusual circumstances, such as imminent slides or undetonated charges, exist; and
- 2) That access to and travel in or through the area site can be safely resumed.
- d) Blasting prohibitions
- 1) Blasting shall not be conducted within three hundred (300) feet of any building used as a dwelling unless waived by the owner or within three hundred (300) feet of a school, church, hospital, or nursing facility.
- 2) Blasting shall not be conducted within one hundred (100) feet of facilities including, but not limited to, disposal wells, petroleum or gas storage facilities, municipal water storage facilities, fluid-transmission pipelines, or water and sewage lines.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991.)

#### Section 1817.67 Use of Explosives: Control of Adverse Effects

- a) Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of ground or surface waters outside the permit area.

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## b) Air blast limits

A) 1) Air blast shall be controlled so that it does not exceed the values specified below at any dwelling, public building, school, church, or commercial or institutional structure, unless such structure is owned by the person who conducts the surface mining activities and is not leased to any other person. If a building owned by the person conducting surface mining activities is leased to another person, the lessee may sign a waiver relieving the operator from meeting the air blast limitations of this subsection. The waiver shall be submitted to the Department before beginning blasting.

Lower frequency limit of measuring system, Hz +3dB

0.1 Hz or lower--flat response\*

2.0 Hz or lower--flat response

6.0 Hz or lower--flat response

\* Only when approved by the Department

B) 2) The measuring systems used shall have a flat frequency response of at least two hundred (200) Hz at the upper end. 2) 3) The person who conducts blasting may satisfy the provisions of subsection (b) by meeting any of the three (3) specifications in the chart in subsection (b)(1).

3) 4) If necessary to prevent damages specified in subsection (a), the Department shall specify lower maximum allowable airblast levels than those of subsection (b)(1) for use in the vicinity of a specific blasting operation.

## c) Air blast monitoring

1) When the cube root scaled distance, as defined in subsection (c)(2), to the nearest dwelling, public building, school, church, or commercial or institutional structure has a value less than 500 350 and when

A) The burden to hole depth ratio is greater than 1.0, or

B) The top stemming height is less than seventy percent (70%) of the burden dimension, the air blast produced by that blast shall be measured, recorded, analyzed, and reported pursuant to subsection (h) and Section 1817.68(b).

2) Cube root scaled distance equals the distance, in feet, from the blast to a specified location divided by the cube root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

3) To ensure compliance with the limits contained in this Section, the Department may require an air blast measurement of any or all blasts, and may specify the location of such measurements.

d) Flyrock, including blasted material traveling in the air, or along the ground, shall not be cast beyond the permit boundaries or beyond the area of regulated access required under Section 1817.66(c), or more than one-half the distance to the nearest dwelling or other occupied structure.

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e) In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building. At distances greater than five thousand (5,000) feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 0.75 inch per second at the locations of the structures described in this subsection. At distances less than three hundred (300) feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 1.25 inch per second at the locations of the structures described in this subsection. These limits shall apply separately to each component of motion as defined in Section 1817-67 subsection(h). The Department shall reduce peak particle velocity limits if determined necessary to provide damage protection if so recommended in any pre-blast survey or condition survey report provided pursuant to Section 1817.62.

f) If blasting is conducted to prevent adverse impacts on any underground mine and changes in the course, channel, or availability of ground or surface water outside the permit area, then the maximum peak particle velocity limitation of subsection (d) shall not apply at the following locations:

1) At structures owned by the person conducting the mining activity, and not leased to another party;

2) At structures owned by the person conducting the mining activity, and leased to another party, if a written waiver by the lessee is submitted to the Department prior to blasting.

g) When the scaled distance, as defined below, has a value of less than sixty-five (65) at the nearest dwelling, public building, school, church, or commercial or institutional structure, a seismograph recording shall be made at or near the closest structure requiring protection.

1) Scaled Distance = The distance, in feet, from the blast to a specified location divided by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

2) To ensure compliance with the limits contained in this Section, the Department may require a seismograph recording of any or all blasts and may specify the location at which such recordings are made.

h) As used herein, seismograph recording or record or air blast recording or record shall mean a visually inspectable cartesian representation of the time history of the particle velocity levels or air blast levels versus time. Time is represented on the "x" axis. The particle velocity is shown by three traces representing mutually perpendicular components of motion. The components are oriented vertically, transversely, and longitudinally to the horizontal direction from the recording location to the location of the blast. The air blast time history is represented by a single trace. The

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record or recording includes either an analog representation of, or a written description of the vertical scale for the particle velocity traces and the air blast trace. The units for the particle velocity traces and scale are in inches per second. The units for the air blast trace and scale are millibars, pounds per square inch, or decibels. The recording also includes an analog or descriptive time scale. The time units are in seconds.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991)

## Section 1817.68 Use of Explosives: Records of Blasting Operations

a) A record of each blast, including seismograph reports, shall be retained by the operator for at least three (3) years and shall be available for inspection by the Department and the public on request. The record is to be completed by the end of the work day following the day in which the blast occurred, including the seismograph meter reading, if available, and shall contain the following data:

- 1) Name of the operator conducting the blast;
  - 2) Location, date, and time of blast;
  - 3) Name, signature, and certification number of the blaster conducting the blast;
  - 4) The name of the owner or resident of, and the direction and distance, in feet, to the nearest dwelling, school, church, or commercial, or institutional building either:
    - A) Not located in the permit area; or
    - B) Not owned by the person who conducts the surface mining activities;
  - 5) Type of material blasted;
  - 6) Number of holes, burden, and spacing;
  - 7) Diameter and depth of holes;
  - 8) Types of explosives used;
  - 9) Total weight of explosives used;
  - 10) Weight of explosives used per hole;
  - 11) Maximum weight of explosives detonated within any eight (8) millisecond period;
  - 12) Maximum number of holes or decks detonated within any eight (8) millisecond period;
  - 13) Initiation system;
  - 14) Type and length of stemming;
  - 15) Type of delay detonator and delay periods used;
  - 16) Sketch of the delay pattern, including decking; and
  - 17) Reasons and conditions for each unscheduled blast; and
  - 18) Wind-velocity-and-direction-
- b) Air blast and/or ground vibration recordings, or photographic copies thereof, where required, shall be kept at the mine site office for a period of three (3) years following the date of the blast, and shall be available for inspection by the Department and the public on

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request. The recordings shall include the following:

- 1) Maximum air blast and/or ground vibration levels recorded;
- 2) The exact location of the monitoring equipment, and its distance from the blast, and the date and time of the recording;
- 3) Name of the person and firm making the recording;
- 4) Name of the person and firm analyzing the recording. The recording shall be signed and dated by the person performing the analysis; and
- 5) The type of instrument, sensitivity, and calibration signal or certification of annual calibration. When the recordings required at Sections 1817.67(c) and 1817.67(g) are produced via digitized systems, the sampling rate of the digitizer, in samples per second, shall be stated.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991)

## Section 1817.83 Coal Mine Waste: Refuse Piles

Refuse piles shall meet the requirements of Section 1817.81, the additional requirements of this Section, and the requirements of 30 CFR 77.214 and 77.215 (19869). 30 CFR 77.214 and 77.215 (19869) do not include any later amendments or editions.

- a) Drainage control.
  - 1) If the disposal area contains springs, natural or man-made water courses, or wet weather seeps, the design shall include diversions and underdrains as necessary to control erosion, prevent water infiltration into the disposal facility and ensure stability.
  - 2) Uncontrolled surface drainage may not be diverted over the outslope of the refuse pile. Runoff from the areas above the refuse pile and runoff from the surface of the refuse pile shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1817.43 to safely pass the runoff from a one hundred (100) year, six (6) hour precipitation event. Runoff diverted from undisturbed areas need not be commingled with runoff from the surface of the refuse pile.
  - 3) Underdrains shall comply with the requirements of Section 1817.71(1)(2).
- b) Surface area stabilization. Slope protection shall be provided to minimize erosion at the site. All disturbed areas, including diversion channels that are not ripped or otherwise protected from erosion, shall be revegetated upon completion of construction.
- c) Placement.
  - 1) All vegetative and organic materials shall be removed from the disposal area prior to placement of coal mine waste. Topsoil shall be removed, segregated and stored or redistributed in accordance with Section 1817.22. If approved by the Department, organic material may be used as mulch, or may be included in the

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topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

- 2) The final configuration of the refuse pile shall be suitable for the approved post-mining land use. Terraces may be constructed on the outslope of the refuse pile if required for stability, erosion control, conservation of soil moisture, or facilitation of the approved post-mining land use. The grade of the outslope between terrace benches shall not be steeper than 2h:1v (fifty (50) percent).

- 3) No permanent impoundments shall be allowed on the completed refuse pile. Small depressions may be allowed by the Department if they are needed to retain moisture, minimize erosion, create and enhance wildlife habitat, or assist revegetation, and if they are not incompatible with stability of the refuse pile.

- 4) Following final grading of the refuse pile, the coal mine waste shall be covered with a minimum of four (4) feet of the best available nontoxic and noncombustible material, in a manner that does not impede drainage from the underdrains. The Department may allow less than four (4) feet of cover material based on physical and chemical analyses which show that the requirements of Sections 1817.111 through 1817.116 will be met.

- d) Inspections. A qualified registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, shall inspect the refuse pile during construction. The professional engineer or specialist shall be experienced in the construction of similar earth and waste structures.

- 1) Such inspections shall be made at least quarterly throughout construction and during critical construction periods. Critical construction periods shall include at a minimum:

- A) Foundation preparation including the removal of all organic material and topsoil;
- B) Placement of underdrains and protective filter systems;
- C) Installation of final surface drainage systems; and
- D) The final graded and revegetated facility.

- E) Regular inspections by the engineer or specialist shall also be conducted during placement and compaction of coal mine waste materials. More frequent inspections shall be conducted if a danger or harm exists to the public health and safety or the environment. Inspections shall continue until the refuse pile has been finally graded and revegetated.

- 2) The qualified registered professional engineer shall provide a sealed report to the Department promptly after each inspection that the refuse pile has been constructed and maintained as designed and in accordance with the approved plan and 62 Ill. Adm. Code 1700 through 1850. The report shall include appearances of instability, structural weakness, and other hazardous conditions.

- 3) The sealed report on the drainage system and protective filters shall include color photographs taken during and after

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construction, but before underdrains are covered with coal mine waste. If the underdrain system is constructed in phases, each phase shall be sealed separately. The photographs accompanying each sealed report shall be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to specifically and clearly identify the site.

- 4) A copy of each inspection report shall be retained at or near the minesite.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991.)

## Section 1817.97 Protection of Fish, Wildlife and Related Environmental Values

- a) The operator shall, to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the activities on fish, wildlife, and related environmental values, and shall achieve enhancement of such resources where practicable.

- b) No underground mining activity shall be conducted which will likely jeopardize the continued existence of endangered or threatened species listed by the Secretary of the United States Department of the Interior (Secretary) or which will likely result in the destruction or adverse modification of designated critical habitats of such species in violation of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.). The operator shall immediately report to the Department any State- or federally-listed endangered or threatened species within the permit area of which the operator becomes aware. Upon notification, the Department shall consult with appropriate State and Federal fish and wildlife agencies and, after consultation, shall identify whether, and under what conditions, the operator may proceed.

- c) No underground mining activity shall be conducted in a manner which would result in the unlawful taking of a bald or golden eagle, its nest, or any of its eggs. The operator shall promptly report to the Department any golden or bald eagle nest within the permit area of which the operator becomes aware. Upon notification, the Department shall consult with the U.S. Fish and Wildlife Service and also, where appropriate, the State fish and wildlife agency and after consultation, shall identify whether, and under what conditions, the operator may proceed in order to ensure that the operation is not in violation of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.).

- d) Nothing in these regulations shall authorize the taking of an endangered or threatened species or a bald or golden eagle, its nest, or any of its eggs in violation of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.), or the Bald Eagle Protection Act, as amended, (16 U.S.C. 668 et seq.).

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e) Each operator shall, to the extent possible using the best technology currently available:

- 1) Ensure that electric powerlines and other transmission facilities used for, or incidental to, underground mining activities on the permit area are designed and constructed to minimize electrocution hazards to raptors, except where the Department determines that such requirements are unnecessary due to factors, such as the absence of raptors;
  - 2) Locate and operate haul and access roads so as to avoid or minimize impacts on important fish and wildlife species or other species protected by State or Federal law specified in 62 Ill. Adm. Code 1773.12; and
  - 3) Design fences, overland conveyers, and other potential barriers to permit passage for large mammals, except where the Department determines that such requirements are unnecessary due to factors, such as the absence of large mammals; and
  - 4) Fence, cover, or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials.
- f) The operator conducting underground mining activities shall avoid disturbances to, enhance where practicable, restore, or replace, wetlands, and riparian vegetation along rivers and streams and bordering ponds and lakes. Underground mining activities shall avoid disturbances to, enhance where practicable, or restore, habitats of unusually high value for fish and wildlife such as wetlands and riparian vegetation.
- g) Where fish and wildlife habitat is to be a post-mining land use, the plant species to be used on reclaimed areas shall be selected on the basis of the following criteria:
- 1) Their proven nutritional value for fish or wildlife.
  - 2) Their use as cover for fish or wildlife.
  - 3) Their ability to support and enhance fish or wildlife habitat after the release of performance bonds. The selected plants shall be grouped and distributed in a manner which optimizes edge effect, cover, and other benefits to fish and wildlife.
- h) Where cropland is to be the post-mining land use, where appropriate for wildlife and crop management practices, the operator shall intersperse the fields with trees, hedges, or fence rows throughout the harvested area to break up large blocks of monoculture and to diversify habitat types for birds and other animals.
- i) Where residential, public service, or industrial uses are to be the post-mining land use, and where consistent with the approved post-mining land use, the operator shall intersperse reclaimed lands with greenbelts utilizing species of grass, shrubs, and trees useful as food and cover for wildlife.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991)

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## Section 1817.122 Subsidence Control: Public Notice

At least six (6) months prior to mining, or within that period if approved by the Department, the underground mine operator shall mail a notification to all owners and occupants of surface property and structures above the underground workings. The notification shall include, at a minimum, identification of specific areas in which mining will take place, dates that specific areas will be undermined, the type of mining to be employed, a description of measures that will be taken to prevent subsidence and/or to mitigate subsidence damages which may occur, and the location or locations where the operator's subsidence control plan may be examined. The operator shall maintain copies of all of the public notices mailed pursuant to this Section and shall make such copies available for inspection by authorized agents of the Department.

(Source: Amended at 14 Ill. Reg. 11855, effective January 1, 1991)

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1) The Heading of the Part: Permit Applications -- Minimum Requirements for Legal, Financial, Compliance, and Related Information

2) Code Citation: 62 Ill. Adm. Code 1778

3) Section Numbers: Adopted Action:

1778.13 Amended  
1778.14 Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12303

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

Proposed Section 1778.13(j) is changed to read as follows:

The applicant shall submit the information required by Sections 1778.13 and 1778.14 in any format prescribed and issued by the Department and the Federal Office of Surface Mining Reclamation and Enforcement.

Pursuant to discussions with the Joint Committee regarding the

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above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1778.13(b), to add the word "federal" before "employer".

In Section 1778.13(c)(5), to add the phrase "state or federal" before the word "identifier".

In Section 1778.13(i), to add the following sentence at the end of this subsection: "Information submitted as a change shall be evaluated in the same manner as the original application."

In Section 1778.13(j), to change the word "any" to "the".

In Section 1778.14(c), to cite the Federal Act by adding "(Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.)"

In Section 1778.14(e), to add the following sentence at the end of the subsection: "Information submitted as a change shall be evaluated in the same manner as the original application."

In Section 1778.13(j), to change the word "Federal" to "federal".

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On May 11, 1989, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The proposed amendments to the Illinois regulations outlined above served to address the concerns set forth in OSMRE's letter.

The following discussion describes the adopted amendments of Part 1778:

Section 1778.13 sets forth the Department's requirements for identification of interests in the permit application. The adopted amendments to Section 1778.13 serve to make the Department's

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requirements consistent with its OSMRE counterpart regulation, 30 CFR 778.13.

Section 1778.14 sets forth the Department's requirements for violation information in the permit application. The adopted amendments of Section 1778.14 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 778.14.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

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TITLE 62: MINING

CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1778

PERMIT APPLICATIONS--MINIMUM REQUIREMENTS  
FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

- |         |  |
|---------|--|
| Section | Responsibility (Repealed)  |
| 1778.4  | Applicability (Repealed)   |
| 1778.11 | Identification of Interests  |
| 1778.13 | Violation Information  |
| 1778.14 | Right of Entry Information   |
| 1778.15 | Relationship to Areas Designated Unsuitable for Mining                           |
| 1778.16 | Permit Term  |
| 1778.17 | Insurance  |
| 1778.18 | Identification of Location of Public Office for Filing of Application (Repealed) |
| 1778.20 | Proof of Publication   |
| 1778.21 | Facilities or Structures Used in Common  |
| 1778.22 |  |

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9348; amended at 11 Ill. Reg. 8368, effective July 1, 1987; amended at 14 Ill. Reg. 11873, effective January 1, 1991.

**Section 1778.13 Identification of Interests**

An application to conduct surface coal mining and reclamation operations shall contain the following information, except that the submission of a social security number is voluntary:

- a) A statement as to whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity.
- b) Names, addresses, and telephone numbers and, as applicable, social security and federal employer identification number of the applicant, the operator (if different from the applicant), the person who will pay the abandoned mine land reclamation fee, and the applicant's resident agent who will accept service of process.
- c) For applicants other than single proprietorships, where applicable: For each person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 62 Ill. Adm. Code 1773.5, as applicable.

- 1) Name and address of each officer, partner, principal, shareholder, and director or other person performing a function similar to a director.

on interests held or made by the applicant for lands contiguous to the area described in the permit application. If requested by the applicant, any information required by this section which is not on public file pursuant to State law shall be held in confidence by the Department, as provided under 62 Ill. Adm. Code 1773.13(d)(3)(B).  
 i) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under subsections (a) through (d). Information submitted as a change shall be evaluated in the same manner as the original application.

i) The applicant shall submit the information required by Sections 1778.13 and 1778.14 in the format prescribed and issued by the Department and the federal Office of Surface Mining Reclamation and Enforcement.

(Source: Amended at 14 Ill. Reg. 11873, effective January 1, 1991.)

Section 1778.14 Violation Information

An application shall contain the following:

- a) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant has:
  - 1) Had a Federal or State coal mining permit suspended or revoked in the last five (5) years preceding the date of submission of the application; or
  - 2) Forfeited a performance bond or similar security deposited in lieu of bond.
- b) If any such suspension, revocation, or forfeiture has occurred, a statement of the facts involved, including:
  - 1) Identification number and date of issuance of the permit and the date and amount of bond or similar security;
  - 2) Identification of the authority that suspended or revoked a permit or forfeited a bond and the stated reasons for that action;
  - 3) The current status of the permit, bond, or similar security involved;
  - 4) The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
  - 5) The current status of these proceedings.
- c) A listing of all violation notices received by the applicant or any subsidiary, affiliate, or persons controlled by or under common control with the applicant in connection with any surface coal mining and reclamation operation during the three (3) year period before the application date for violations of any law, rule, or regulation of the United States or of any State law, rule, or regulation enacted pursuant to Federal law, rule, or regulation or of any provision of

The person's name, address, social security number and employer identification number.  
 2) All names under which the applicant, partner, or principal shareholder operates or previously operated a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of the application.

The person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;

3) The title of the person's position, date position was assumed, and when submitted under 62 Ill. Adm. Code 1773.17(h), date of departure from that position;

4) Each additional name and identifying number, including employer identification number, Federal or State permit number, and MSHA number with date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of the application; and

5) The application number or other state or federal identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the person in any State in the United States.

d) A statement of any pending surface coal mining and reclamation operation permit applications in the United States, and of all current and previous coal mining permits in the United States held during the five (5) years preceding the date of the application by any person identified in subsection (c)(2). Such statement shall provide permit or application numbers or other identifiers and the identity of the State regulatory authority for each operation listed.

For any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 62 Ill. Adm. Code 1773.5, the operation's:

1) Name, address, identifying numbers, including employer identification number, Federal or State permit number and MSHA number, the date of issuance of the MSHA number, and the regulatory authority; and

2) Ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.

e) The name and address of each legal or equitable owner of record of the surface and mineral property to be mined, each holder of record of any leasehold interest in the property to be mined, and any purchaser of record under a real estate contract for the property to be mined.

f) The name and address of each owner of record of all property (surface and subsurface) contiguous to any part of the proposed permit area.

g) The Mine Safety and Health Administration (MSHA) numbers for all mine-associated structures that require MSHA approval, pursuant to 30 CFR 77(1986).

h) A statement of all lands, interest in lands, options, or pending bids

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the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)--(Act)--pertaining to air or water environmental protection--the application shall also contain the following information--about each violation notice:

For any violation of a provision of the Federal Act (Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.), or of any law, rule or regulation of the United States, or of any State law, rule or regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violation notices received by the applicant during the three (3) year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the lists shall include the following information, as applicable:

- 1) the date of issuance and identity of the issuing Department--or agency?

Any identifying numbers for the operation, including the Federal or State permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department or agency;

- 2) A brief description of the violation alleged in the notice;

- 3) The date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in subsection (c) to obtain administrative or judicial review of the violations;

- 4) The current status of the proceedings and of the violation notice; and

- 5) The actions, if any, taken by any person identified in subsection (c) to abate the violation.

- d) Information about the applicant's present financial condition which would provide assurance to the Department that no further forfeiture would be expected.

- e) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under this Section. Information submitted as a change shall be evaluated in the same manner as the original application.

(Source: Amended at 14 Ill. Reg. 11873, effective January 1, 1991)

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- 1) The Heading of the Part: Requirements for Coal Exploration

- 2) Code Citation: 62 Ill. Adm. Code 1772

- 3) Section Number: Adopted Action:

1772.12 Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

- 5) Effective Date of Amendments: January 1, 1991

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

- 8) Date filed in agency's principal office: July 1, 1990

- 9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12311

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The phrase "pursuant to the National Register of Historic Places" is deleted from the third sentence of Section 1772.12(d)(2)(C).

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed as follows:

The Authority Note has been revised to cite Sections 5.01, 5.02, 5.03 and 9.01 of the Illinois Surface Coal Mining Land Conservation and

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Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

In Section 1772.12(b)(8)(D), to add after "resources" the phrase "based upon consultation with the Illinois State Historic Preservation Agency".

In Section 1772.12(b)(8)(A), to insert a space between the parentheticals.

In Section 1772.12(d)(2)(C), to delete the comma after the phrase deleted.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

## 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On June 9, 1987, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The proposed amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's letter.

The following discussion describes the adopted amendments of Part 1772:

Section 1772.12 sets forth the permit requirements for exploration removing more than two hundred and fifty (250) tons of coal. The adopted amendments of Section 1772.12 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 772.12.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

DEPARTMENT OF MINES AND MINERALS  
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1772  
REQUIREMENTS FOR COAL EXPLORATION

Section	Scope and Purpose
1772.1	Notice Requirements for Exploration Removing 250 Tons of Coal or Less
1772.11	Permit Requirements for Exploration Removing More Than 250 Tons of Coal
1772.12	Coal
1772.13	Coal Exploration Compliance Duties
1772.14	Requirements for Commercial Sale
1772.15	Public Availability of Information

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7905.01, 7905.02, 7905.03 and 7909.01).

**SOURCE:** Adopted at 11 Ill. Reg. 8385, effective July 1, 1987; amended at 14 Ill. Reg. 11880, effective January 1, 1991.

**Section 1772.12 Permit Requirements for Exploration Removing More Than 250 Tons of Coal**

- a) Any person who intends to conduct coal exploration outside a permit area during which more than two hundred and fifty (250) tons of coal will be removed or which will take place on lands designated as unsuitable for surface mining under 62 Ill. Adm. Code 1761 through 1764 shall before conducting the exploration submit an application and obtain written approval from the Department in an exploration permit.
- b) Each application for an exploration permit shall contain, at a minimum, the following information:
- 1) The name, address, and telephone number of the applicant;
  - 2) The name, address, and telephone number of the applicant's representative who will be present at, and be responsible for, conducting the exploration;
  - 3) A narrative and map describing the proposed exploration area;
  - 4) A narrative description of the methods and equipment to be used to conduct the exploration and reclamation;
  - 5) An estimated time table for conducting and completing each phase of the exploration and reclamation;
  - 6) The estimated amount of coal to be removed and a description of the methods to be used to determine the amounts;
  - 7) A statement of why extraction of more than two hundred and fifty (250) tons of coal is necessary for exploration;
  - 8) A description of:
    - A) Cultural or historical resources listed on the National Register of Historic Places, and

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- B) Cultural or historical resources known to be eligible for listing on the National Register of Historic Places, and
- C) Known archeological resources located within the proposed exploration area; and
- D) Any other information which the Department may require regarding known or unknown historic or archeological resources, based upon consultation with the Illinois State Historic Preservation Agency;

9) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) identified within the proposed exploration area;

10) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1815;

11) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;

12) A map or maps at a scale of 1:24,000 or larger, showing the areas of the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; location of excavated earth or waste-material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

13) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation.

c) Public notice of the application and opportunity to comment shall be provided as follows:

- 1) Within five (5) days, the applicant shall provide public notice of the filing of an administratively complete application with the Department in a newspaper of general circulation which is on the Department's list of approved newspapers in the county of the proposed exploration area;
  - 2) The public notice shall state the name and address of the person seeking approval, the date of filing of the application, the address of the Department where written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration. In no case shall the public comment period be less than thirty (30) days;
  - 3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within the specified public comment period.
- d) Decision on an application for exploration removing more than two

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hundred and fifty (250) tons of coal.

1) The Department shall act upon an administratively complete application for a coal exploration permit and any written comments within sixty (60) days after the close of the public comment period. The approval of a coal exploration permit may be based only on a complete and accurate application.

2) The Department shall approve a complete and accurate application for a coal exploration operation filed in accordance with this Part, if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application will:

A) Be conducted in accordance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Act), 62 Ill. Adm. Code 1815, this Part and the regulatory program;

B) Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or result in the destruction or adverse modification of critical habitat of those species as defined in Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532); and

C) Not adversely affect any cultural or historic resources listed on the National Register of Historic Places, pursuant to the National Register of Historic Places, pursuant to the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq., 1976, Supp. V), unless the proposed exploration has been approved by the Department and the agency with jurisdiction over State Historic Preservation.

3) Terms of approval. Each approval issued by the Department shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with the Act, this Part, 62 Ill. Adm. Code 1815, and the regulatory program.

e)

1) The Department shall notify the applicant, the appropriate local government officials, and other commentators on the application in writing, of its decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the Department at a public office in the vicinity of the exploration operations.

2) Any person with an interest which is or may be adversely affected by a decision of the Department pursuant to subsection (e)(1), shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1775.

(Source: Amended at 14 Ill. Reg. 11880, effective January 1, 1991)

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1) The Heading of the Part: Requirements for Permits and Permit Processing

2) Code Citation: 62 Ill. Adm. Code 1773

3) Section Numbers: Adopted Action:

1773.5	New Section
1773.11	Amended
1773.15	Amended
1773.17	Amended
1773.19	Amended
1773.20	New Section
1773.21	New Section

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12317

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above charges have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

In the first paragraph of Section 1773.5, the word "of" in "any one of" is changed to "or".

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Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1773.15(b)(1), to add the phrase " , as defined in 62 Ill. Adm. Code 1843.11(b)" after the word "orders" in the second line and to add the phrase " , as defined in 62 Ill. Adm. Code 1843.11(a)" after the word "orders" in the third line.

In Section 1773.20(b)(2)(B), to add the phrase "pursuant to 62 Ill. Adm. Code 1843 or 1845, or in accordance with like procedures in other regulatory jurisdictions" following the word "appeal" in the first line.

In Section 1773.20(c)(2), to change "a reasonable" to "the specified".

In Section 1773.21(b), to add the phrase "including, but not limited to, maintenance and monitoring" after the word "measures".

In Section 1773.19(a)(2)(D), to change the word "which ever" to "whichever".

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

## 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On June 9, 1987, December 16, 1988 and May 11, 1989, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The proposed amendments to the Illinois regulations outlined above served to address the concerns set forth in OSMRE's letters and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1773:

New Section 1773.5 defines the phrases "owned and controlled" and "owns or controls" in accordance with the OSMRE counterpart rule,

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## 30 CFR 773.5.

Section 1773.11 sets forth the requirements for surface coal mining and reclamation operations to obtain permanent program permits, in conformance with 30 CFR 773.11.

Section 1773.15 sets forth the requirements for the review of permit applications, in conformance with 30 CFR 773.15.

Section 1773.17 sets forth the requirements for permit conditions, in conformance with 30 CFR 773.17.

Section 1773.19 sets forth the requirements for permit issuance and right of renewal, in conformance with 30 CFR 773.19.

New Sections 1773.20 and 1773.21 outline the Department's procedures for identifying and rescinding improvidently issued permits consistent with the counterpart OSMRE rules, 30 CFR 773.20 and 773.21.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 W. Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 1773

## REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

## Section

1773.1 Scope and Purpose

1773.5 Definitions

1773.11 Requirements to Obtain Permits

1773.12 Regulatory Coordination with Requirements under Other Laws

1773.13 Public Participation in Permit Processing

1773.14 Opportunity for Public Hearing

1773.15 Review of Permit Applications

1773.17 Permit Conditions

1773.19 Permit Issuance and Right of Renewal

1773.20 Improvidently Issued Permits: General Procedures

1773.21 Improvidently Issued Permits: Rescission Procedures

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

**SOURCE:** Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991.

## Section 1773.5 Definitions

For purposes of this Part, owned or controlled and owns or controls means any one or a combination of the relationships specified in subsections (a) or (b) below:

## a) Ownership or control is evidenced by:

- 1) Being a permittee of a surface coal mining operation;
- 2) Based on instruments of ownership or voting securities, owning of record in excess of fifty (50) percent of an entity; or
- 3) Having any other relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.

## b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted.

- 1) Being an officer or director of an entity;
- 2) Being the operator of a surface coal mining operation;
- 3) Having the ability to commit the financial or real property assets or working resources of an entity;
- 4) Being a general partner in a partnership;

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5) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record ten (10) through fifty (50) percent of the entity; or

6) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive such coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

(Source: Added at 14 Ill. Reg. 11886, effective January 1, 1991.)

## Section 1773.11 Requirements to Obtain Permits

## a) All operations.

On and after February 1, 1983, no person shall engage in or carry out any surface coal mining and reclamation operations on non-Federal or non-Indian Lands within the State, unless such person has first been issued a permanent regulatory program permit by the Illinois Department of Mines and Minerals (Department), except as provided for in subsection (b). A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to conduct surface coal mining operations has expired or has terminated, revoked, or suspended.

## b) Continuation of interim regulatory program operations.

1) A person authorized to conduct surface coal mining and reclamation operations under a permit issued or amended by the Department in accordance with the requirements of the interim regulatory program may conduct such operations beyond February 1, 1983, if:

- A) Not later than August 3, 1982, regardless of litigation contesting that program, an application for a permanent regulatory program permit is filed for any operation to be conducted after February 1, 1983, in accordance with the provisions of the permanent program;
- B) The Department has not yet rendered an initial administrative decision approving or disapproving the permit; and
- C) The surface coal mining and reclamation operation is conducted in compliance with the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Federal Act), the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.) (State Act), 62 Ill. Adm. Code 1800 through 1850 and all terms and conditions of the interim program permit.

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- 2) No new interim program permits shall be issued.

(Source: Amended at 14 Ill. Reg. 11886, effective January 1, 1991)

## Section 1773.15 Review of Permit Applications

## a) General.

- 1) The Department shall review the application for a permit, revision, or renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application and issue a written decision, in accordance with Section 1773.19, either granting, requiring modification of, or denying the application. If an informal conference is held under Section 1773.13(c), the decision shall be made within sixty (60) days of the close of the conference, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3).

- 2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.

## b) Review of violations.

- 1) The Department shall make a finding that any surface coal mining and reclamation operation owned or controlled by the applicant is not currently in violation of the Federal Act or in violation of any Federal law, rule or regulation, or any State law, rule or regulation enacted pursuant to Federal law, rule or regulation pertaining to air or water environmental protection, if such a finding cannot be made by the Department, shall require the applicant, before the issuance of the permit, to either:

Based on available information concerning Federal and State failure-to-abate cessation orders, as defined in 62 Ill. Adm. Code 1843.11(b), unabated Federal and State imminent harm cessation orders, as defined in 62 Ill. Adm. Code 1843.11(a) delinquent civil penalties issued pursuant to Section 8.04 of the State Act and Section 518 of the Federal Act, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act or any other law, rule or regulation referred to in this subsection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under Federal or State program has been or

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is being corrected to the satisfaction of the agency with jurisdiction over the violation, except where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:

- A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or

- B) Establish for the Department that the applicant, or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit court reviewing the violation, pursuant to 62 Ill. Adm. Code 1775.13, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall promptly submit the proof required under subsection (b)(1)(A) within thirty (30) days of the court's decision.

- 2) The Department may issue a permit conditionally pending the outcome of an appeal described in subsection (b)(1)(B). Any permit that is issued on the basis of proof submitted under subsection (b)(1)(A) that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1)(B), shall be conditionally issued.

- 3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Acts of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Acts, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code 1775.11.

- c) Written findings for permit application approval.
- No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

- 1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.

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2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.

3) The proposed permit area or the proposed shadow area for a planned subsidence operation is:

A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or

B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or subject to the prohibitions or limitations of 62 Ill. Adm. Code 1761.11 and 1761.12.

4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).

5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).

7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.

8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.

9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).

10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

11) ~~Surface-coal-mining-and-reclamation-operations-will-not-adversely affect-a-private-family-burial-ground---Adversely-affecting-a private-family-burial-ground-shall-not-include--relocation authorized-by-State-law.~~ For a proposed re-mining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill.

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Adm. Code 1701 Appendix A.

12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Department has determined that no additional measures are necessary.

d) Performance bond submittal.

If the Department decides to approve the application, it shall require that the applicant file the performance bond or provide other equivalent guarantee before the permit is issued, in accordance with the provisions of 62 Ill. Adm. Code 1800.

e) Final compliance review. After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at 14 Ill. Reg. 11886, effective January 1, 1991.)

## Section 1773.17 Permit Conditions

Each permit issued by the Department shall be subject to the following conditions:

a) The permittee shall conduct surface coal mining and reclamation operations only on those lands that are specifically designated as the permit area on the maps submitted with the application and authorized for the term of the permit and that are subject to the performance bond or other equivalent guarantee in effect pursuant to 62 Ill. Adm. Code 1800.

b) The permittee shall conduct all surface coal mining and reclamation operations only as described in the approved application, except to the extent that the Department otherwise directs in the permit.

c) The permittee shall comply with the terms and conditions of the permit, all applicable performance standards of the Federal and State Acts, and the requirements of the regulatory program.

d) Without advance notice, delay, or a search warrant, upon presentation of appropriate credentials, the permittee shall allow the authorized representatives of the Department and Secretary of the United States Department of the Interior to:

1) Have the right of entry provided for in 62 Ill. Adm. Code 1840.12; and

2) Be accompanied by private persons for the purpose of conducting an inspection in accordance with 62 Ill. Adm. Code 1840, when the inspection is in response to an alleged violation reported to the Department by the private person.

e) The permittee shall take all possible steps to minimize any adverse

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impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- 1) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- 2) Immediate implementation of measures necessary to comply; and
- 3) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

f) As applicable, the permittee shall comply with 62 Ill. Adm. Code 1700.11(d) for compliance, modification, or abandonment of existing structures.

g) The operator shall pay all reclamation fees required by 30 CFR 870 for coal produced under the permit for sale, transfer or use.

h) Within thirty (30) days after a cessation order is issued under 62 Ill. Adm. Code Section 1843.11, for operations conducted under the permit, except where a stay of the cessation order is granted and remains in effect the permittee shall either submit to the Department the following information, current to the date the cessation order was issued, or notify the Department in writing that there has been no change since the immediately preceding submittal of such information:

- 1) Any new information needed to correct or update the information previously submitted to the Department by the permittee under 62 Ill. Adm. Code 1778.13(c); or
- 2) If not previously submitted, the information required from a permit applicant by 62 Ill. Adm. Code 1778.13(c).

(Source: Amended at 14 Ill. Reg. 11886, effective January 1, 1991)

## Section 1773.19 Permit Issuance and Right of Renewal

a) Final permit decision.

- 1) The Department shall make its final decision to approve, deny or modify the permit application on the basis of:

- A) Complete applications for permits and revisions or renewals thereof;
- B) Public participation, as provided by Sections 1773.13 and 1773.14; and
- C) Compliance with all applicable provisions of 62 Ill. Adm. Code 1785.

2) The Department shall make its final permit decision within the following time limits--unless waived by the applicant:

- A) Within sixty (60) days of an informal conference held pursuant to Section 1773.13(c), unless a public hearing has been requested pursuant to Section 1773.14;
- B) Within sixty (60) days of a public hearing held pursuant to Section 1773.14; or

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C) If no informal conference or public hearing is requested, within one hundred and twenty (120) days of filing of the application.

D) If final action on an application does not occur within the times prescribed in subsections (a)(2)(A), (B), or (C) above, whichever applies, the applicant may deem the application denied, and such denial shall constitute a final permit decision. The applicant may waive these time limits.

3) Notification.

The Department shall mail written notification of its final permit decision to the following persons and entities:

- A) The applicant, each person who files comments or objections to the permit application, and each party to an informal conference or public hearing.
- B) The local governmental officials in the local political subdivision in which the land to be affected is located, within ten (10) days after the issuance of a permit, including a description of the location of the land.
- C) The local OSMRE office.

b) The permit shall be deemed to be issued when:

- 1) The permit application, as originally submitted or as modified, is approved by the Department;
- 2) No request for hearing on the permit approval, pursuant to 62 Ill. Adm. Code 1775, is received by the Department within thirty (30) days after the permit applicant is mailed a copy of the final permit decision; and
- 3) Permit fees and reclamation bond, in the form and amounts set by 62 Ill. Adm. Code 1777.17 and 1800, have been received and accepted by the Department.

c) Permit term.

Each permit shall be issued for a fixed term of five (5) years or less, unless the requirements of 62 Ill. Adm. Code 1778.17 are met. Right of renewal.

d) Permit application approval shall apply to those lands that are specifically designated as the permit area on the maps submitted with the application and for which the application is complete and accurate. Any valid permit issued in accordance with subsection (b) shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit, in accordance with 62 Ill. Adm. Code 1774.15.

e) Initiation of operations.

- 1) A permit shall terminate if the permittee has not begun the surface coal mining and reclamation operation covered by the permit within three (3) years of the issuance of the permit.
- 2) The Department shall grant a reasonable extension of time for commencement of these operations, upon receipt of a written statement showing that such an extension of time is necessary, if:
  - A) Litigation precludes the commencement or threatens

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substantial economic loss to the permittee; or  
B) There are conditions beyond the control and without the fault or negligence of the permittee.

3) With respect to coal to be mined for use in a synthetic fuel facility or specified major electric generating facility, the permittee shall be deemed to have commenced surface mining operations at the time that the construction of the synthetic fuel or generating facility is initiated.

4) Extensions of time granted by the Department under this subsection (e) shall be specifically set forth in the permit, and notice of the extension shall be made public by the Department.

(Source: Amended at 14 Ill. Reg. 11886, effective January 1, 1991.)

**Section 1773.20 Improvidently Issued Permits: General Procedures**

a) Permit review. If the Department receives information indicating that it improvidently issued a surface coal mining and reclamation permit, the Department shall review the circumstances under which the permit was issued using a criteria in subsection (b) below. Where the Department finds that the permit was improvidently issued, it shall undertake the remedial measures set forth in subsection (c) below.

b) Review criteria. The Department shall find that a surface coal mining and reclamation permit was improvidently issued if:

1) Under the violations review criteria of the regulatory program at the time the permit was issued:

- A) The Department should not have issued the permit because of an unabated violation or a delinquent penalty or fee; or  
B) The permit was issued on the presumption that a notice of violation was in the process of being corrected to the satisfaction of the agency with jurisdiction over the violation, but a cessation order subsequently was issued; and

2) The violation, penalty or fee:

- A) Remains unabated or delinquent; and  
B) Is not the subject of a good faith appeal, pursuant to 62 Ill. Adm. Code 1843 or 1845, or in accordance with like procedures in other regulatory jurisdictions, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; and

3) Where the permittee was linked to the violation, penalty or fee through ownership or control, under the violations review criteria of the regulatory program at the time the permit was issued an ownership or control link between the permittee and the person responsible for the violation, penalty or fee still exists, or where the link was severed the permittee continues to be responsible for the violation, penalty or fee.

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c) Remedial measures. If the Department finds, under subsection (b), that because of an unabated violation or a delinquent penalty or fee a permit was improvidently issued, the Department shall undertake one or more of the following remedial measures:

- 1) Implement, with the cooperation of the permittee or other person responsible, and of the responsible agency, a plan for abatement of the violation or a schedule for payment of the penalty or fee;
- 2) Impose on the permit a condition requiring that in the specified period of time the permittee or other person responsible abate the violation or pay the penalty or fee;
- 3) Suspend the permit until the violation is abated or the penalty or fee is paid; or
- 4) Rescind the permit under Section 1773.21.

(Source: Added at 14 Ill. Reg. 11886, effective January 1, 1991.)

**Section 1773.21 Improvidently Issued Permits: Rescission Procedures**

If the Department, under Section 1773.20(c)(4), elects to rescind an improvidently issued permit, the Department shall serve on the permittee a notice of proposed suspension and rescission which includes the reasons for the finding of the Department under Section 1773.20(b) and states that:

a) Automatic suspension and rescission. After a specified period of time not to exceed ninety (90) days the permit automatically will become suspended, and not to exceed ninety (90) days thereafter rescinded, unless within those periods the permittee submits proof, and the Department finds, that:

- 1) The Department's finding under Section 1773.20(b) was erroneous;
- 2) The permittee or other person responsible has abated the violation on which the finding was based, or paid the penalty or fee, to the satisfaction of the responsible agency;
- 3) The violation, penalty or fee is the subject of a good faith appeal, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; or
- 4) Since the finding was made, the permittee has severed any ownership or control link with the person responsible for, and does not continue to be responsible for, the violation, penalty or fee.

b) Cessation of operations. After permit suspension or rescission, the permittee shall cease all surface coal mining and reclamation operations under the permit, except for violation abatement and for reclamation and other environmental protection measures including, but not limited to, maintenance and monitoring as required by the Department; and

c) Right to appeal. The permittee may file a request for an administrative hearing to contest the notice under 62 Ill. Adm. Code 1775.11.

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(Source: Added at 14 Ill. Reg. 11886, effective  
January 1, 1991)

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- 1) The Heading of the Part: Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights
- 2) Code Citation: 62 Ill. Adm. Code 1774
- 3) Section Numbers:  
1774.15 Amended  
1774.17 Amended  
Adopted Action:
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
- 5) Effective Date of Amendments: January 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1990
- 9) Date Notice of Proposed Amendments published in Illinois Register:  
July 28, 1989; 13 Ill. Reg. 12234
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:  
Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments:

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The Department has identified rules that must be amended in order to correct typographical errors and to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act.

The following discussion describes the adopted amendments of Part 1774:

Section 1774.15 sets forth the requirements for permit renewals, in conformance with 30 CFR 774.15. A citation error in subsection(b)(3) was corrected.

Section 1774.17 sets forth the requirements for the transfer, assignment, or sale of permit rights, in conformance with 30 CFR 774.17. A new sentence was added to Section 1774.17(b)(2) clarifying the number of newspaper advertisements that must be published when an application under this Section is filed with the Department.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor  
Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197  
Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

## CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1774

## REVISION; RENEWAL; AND TRANSFER, ASSIGNMENT, OR SALE OF PERMIT RIGHTS

Section  
1774.1 Scope and Purpose  
1774.11 Department Review of Permits  
1774.13 Permit Revisions  
1774.15 Permit Renewals  
1774.17 Transfer, Assignment, or Sale of Permit Rights

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 8469, effective July 1, 1987; amended at 14 Ill. Reg. 11900, effective January 1, 1991.

## Section 1774.15 Permit Renewals

a) A valid permit shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

b) Application requirements and procedures.

1) An application for renewal of a permit shall be filed with the Department at least one hundred and eighty (180) days before expiration of the existing permit term.

2) An application for renewal of a permit shall be in the form required by the Department and shall include at a minimum:

A) The name and address of the permittee, the term of the renewal requested, and the permit number or other identifier;

B) Evidence that a liability insurance policy or adequate self-insurance under 62 Ill. Adm. Code 1800.60 will be provided by the applicant for the proposed period of renewal;

C) Evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Department pursuant to 62 Ill. Adm. Code 1800;

D) A copy of the proposed newspaper notice and proof of publication of same, as required by 62 Ill. Adm. Code 1778.21; and

E) Additional revised or updated information required by the Department.

3) Applications for renewal shall be subject to the requirements of public notification and public participation contained in 62 Ill.

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- Adm Code 1773.13 and 1773.19(b)(3).
- 4) If an application for renewal includes any proposed revisions to the permit, such revisions shall be identified and be subject to the requirements of Section 1774.13.
- 5) If a complete application for renewal of a permit includes a proposal to extend the mining and reclamation operation beyond the permit area boundaries authorized in the existing permit, the portion of the complete application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new permit applications under the Act, and 62 Ill. Adm. Code 1773, 1777, 1778, 1779, 1780, 1783, 1784, 1785, and 1800.

c) Approval process.

- 1) Criteria for approval. The Department shall approve a complete and accurate application for permit renewal, unless it finds, in writing:
- A) The terms and conditions of the existing permit are not being satisfactorily met;
- B) The present surface coal mining and reclamation operations are not in compliance with the environmental protection standards of the Act and the regulatory program;
- C) The requested renewal substantially jeopardizes the operator's continuing ability to comply with the Act and the regulatory program on existing permit areas;
- D) The operator has not provided evidence of having liability insurance or self-insurance as required in 62 Ill. Adm. Code 1800.60;
- E) The operator has not provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal, as well as any additional bond the Department might require pursuant to 62 Ill. Adm. Code 1800; or
- F) Additional revised or updated information required by the Department has not been provided by the applicant.
- 2) Burden of proof. In the determination of whether to approve or deny the renewal of a permit, the burden of proof shall be on the opponents of renewal.
- d) Renewal term. Any permit renewal shall be for a term not to exceed the period of the original permit established under 62 Ill. Adm. Code 1773.19.
- e) Notice of decision. The Department's decision issued pursuant to subsection (c) shall be made before the expiration of the original permit term. Within five (5) working days, the Department shall send copies of its decision to the applicant, to each person who filed comments or objections on the renewal, to each party to any informal conference held on the permit renewal, and to the Office of Surface Mining Reclamation and Enforcement (OSMRE).
- f) Administrative and judicial review. Any person having an interest which is or may be adversely affected by the decision of the

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Department shall have the right to administrative and judicial review set forth in 62 Ill. Adm. Code 1775.

(Source: Amended at 14 Ill. Reg. 11900, effective January 1, 1991)

Section 1774.17 Transfer, Assignment, or Sale of Permit Rights

- a) No transfer, assignment, or sale of rights granted by a permit shall be made without the prior written approval of the Department.
- b) An applicant for approval of the transfer, assignment, or sale of permit rights shall:
- 1) Provide the Department with an application for approval of the proposed transfer, assignment, or sale including:
- A) The name and address of the existing permittee and permit number or other identifier;
- B) A brief description of the proposed action requiring approval; and
- C) The legal, financial, compliance, and related information required by 62 Ill. Adm. Code 1778 for the applicant for approval of the transfer, assignment, or sale of permit rights.
- 2) Advise the filing of the application in a newspaper of general circulation in the locality of the operations involved, indicating the name and address of the applicant, the permittee, the permit number or other identifier, the geographic location of the permit, and the address to which written comments may be sent. The advertisement shall be published at least once a week for two (2) consecutive weeks. A copy of the advertisement shall be submitted to the Department.
- 3) Obtain appropriate performance bond coverage in an amount sufficient to cover the proposed operations, as required under 62 Ill. Adm. Code 1800.
- c) Any person having an interest which is or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, including an official of any Federal, State, or local government agency, may submit written comments on the application to the Department within thirty (30) days of the public notice required under subsection (b)(2).
- d) The Department shall allow a permittee to transfer, assign, or sell permit rights to a successor, if it finds in writing, within sixty (60) days of the close of the public comment period in subsection (c), that the successor:
- 1) Is eligible to receive a permit in accordance with 62 Ill. Adm. Code 1773.15(b) and (c);
- 2) Has submitted a performance bond or other guarantee, or obtained the bond coverage of the original permittee, as required by 62 Ill. Adm. Code 1800; and
- 3) Meets any other requirements specified by the Department.

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## e) Notification.

1) Within five (5) working days of issuance, the Department shall notify the permittee, the successor, commenters, and OSMRE of its findings.

2) The successor shall immediately provide notice to the Department of the consummation of the transfer, assignment, or sale of permit rights.

f) The successor in interest shall assume the liability and reclamation responsibilities of the existing permit and shall conduct the surface coal mining and reclamation operations in full compliance with the Act, the regulatory program, and the terms and conditions of the existing permit, unless the applicant has obtained a new or revised permit as provided in this Part.

(Source: Amended at 14 Ill. Reg. 11900, effective January 1, 1991)

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1) The Heading of the Part: State Enforcement

2) Code Citation: 62 Ill. Adm. Code 1843

3) Section Number: Adopted Action:

1843.11

Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12341

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The Department will replace "constitutes" with "constitute" in the second line of Section 1843.11(a)(2).

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1843.11(a)(1), to update the citation to the Illinois Revised Statutes.

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To insert the following headings: for Section 1843.11(a), "Imminent harm and danger"; for Section 1843.11(b), "Failure to abate."

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On May 11, 1989, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The adopted amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's May 11, 1989 letter and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1843:

Section 1843.11 sets forth the Department's procedures for issuing cessation orders to surface coal mining and reclamation operations and coal exploration operations. The adopted amendments of Section 1843.11 serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 843.11.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

## DEPARTMENT OF MINES AND MINERALS

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TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALSPART 1843  
STATE ENFORCEMENT

## Section

1843.11 Cessation Orders

1843.12 Notices of Violation

1843.13 Suspension or Revocation of Permits

1843.14 Service of Notices of Violation, Cessation Orders, and Show Cause Orders

1843.15 Informal Public Hearing

1843.16 Formal Review of Citations

1843.17 Temporary Injunctive Relief

1843.18 Inability to Comply

1843.19 Injunctive Relief (Repealed)

1843.19 Intervention

1843.20 Discovery

1843.21 Petitions for Award of Costs and Expenses Under Section 525(e) of the Federal Act

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 5932; amended at 9 Ill. Reg. 13334, effective October 10, 1985; amended at 11 Ill. Reg. 8536, effective July 1, 1987; amended at 14 Ill. Reg. 11906, effective January 1, 1991.

## Section 1843.11 Cessation Orders

- a) Imminent harm and danger
- 1) An authorized representative of the Illinois Department of Mines and Minerals (Department) shall immediately order a cessation of surface coal mining and reclamation operations or of the relevant portion thereof, if he finds, on the basis of any State inspection, any condition or practice, or any violation of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Federal Act), the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7901.01 et seq.) (State Act), 62 Ill. Adm. Code 1700 - 1850 or any condition of an exploration approval or permit imposed under the Federal Act, the State Act or 62 Ill. Adm. Code 1700 - 1850 which:
- A) Creates an imminent danger to the health or safety of the

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public; or

- B) Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

- 2) Surface coal mining and reclamation operations conducted by any person without a valid surface coal mining permit constitutes a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations:

A) Are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations; or

B) Were conducted lawfully without a permit under the interim regulatory program because no permit has been required for such operations by the State of Illinois.

- 3) If the cessation order under subsection (a)(1) will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the authorized representative of the Department shall impose affirmative obligations on the person to whom it is issued to abate the condition, practice, or violation. The order shall specify the time by which abatement shall be accomplished and may require, among other things, the use of existing or additional personnel and equipment.

- b) Failure to abate

1) An authorized representative of the Department shall immediately order a cessation of coal exploration or surface coal mining and reclamation operations, or of the relevant portion thereof, when a notice of violation has been issued under Section 1843.12(a) and the person to whom it was issued fails to abate the violation within the abatement period fixed or subsequently extended by the authorized representative.

2) A cessation order issued under subsection (b)(1) shall require the person to whom it is issued to take all steps the authorized representative of the Department deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

- c) A cessation order issued under subsections (a) or (b) shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

- 1) The nature of the condition, practice or violation;
- 2) The remedial action or affirmative obligation required, if any, including interim steps, if appropriate;
- 3) The time established for abatement, if appropriate, including the time for meeting any interim steps; and
- 4) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies. The order shall remain in effect until the condition,

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practice, or violation has been abated or until vacated, modified, or terminated in writing by an authorized representative of the Department or until the order expires pursuant to Section 1843.15.

- d) Reclamation operations and other activities intended to protect public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

e) An authorized representative of the Department may modify, terminate, or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

f) An authorized representative of the Department shall terminate a cessation order, by written notice to the person to whom the order was issued, when he determines that all conditions, practices, or violations listed in the order have been abated. Termination shall not affect the right of the Department to assess civil penalties for those violations under 62 Ill. Adm. Code 1845.

g) Within sixty (60) days after issuing a cessation order, the Department shall notify in writing any person who has been identified under 62 Ill. Adm. Code 1773.17(h) and 1778.13(c) and (d) as owning or controlling the permittee, that the cessation order was issued and that the person has been identified as an owner or controller.

(Source: Amended at 14 Ill. Reg. 11906, effective January 1, 1991)

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- 1) The Heading of the Part: Surface Mining Permit Application -- Minimum Requirements for Reclamation and Operation Plan
- 2) Code Citation: 62 Ill. Adm. Code 1780
- 3) Section Numbers:
 

1780.16 1780.21 1780.31	Adopted Action:  Amended Amended Amended
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- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: January 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1990
- 9) Notice of Proposed Amendments published in Illinois Register:
 

July 28, 1989; 13 Ill. Reg. 12352
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:
 

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

Proposed new Section 1780.16(a)(2)(A) is amended by replacing the words "similar State statutes" with "the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1987, ch. 8, par. 331 et. seq."

Section 1780.21 is changed by deleting proposed new subsection (i)(3) and by amending current subsection (i)(2) to read as follows:

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If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

Section 1780.31(b) is amended to read as follows:

The Department, in consultation with the Illinois State Historic Preservation Agency, may require the applicant to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures.

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1780.16(a)(1)(B)(i), to add the words "pertinent unpublished" after the word "other".

In Section 1780.21(f)(3)(C), to add after the word "purposes" the phrase ", such as recreational and fish and wildlife uses".

In Section 1780.21(f)(3)(D)(v), to add the phrase ", based upon public comment, Interagency Committee comment, and the Department's technical review" after the word "Department"

In Section 1780.31(a)(1), to add after the phrase "adverse impacts" the following: "caused by surface mining related activities including, but not limited to, loss or destruction of historic artifacts and damage to historic structures or property;"

In Section 1780.31(b), to add after "permit issuance" the following phrase: ", taking into account mining plans and the amount of materials present,".

Section 1780.31(b) to delete the word "reasonable" and by deleting ", taking" and inserting in its place the phrase "that takes" in the last sentence of the section.

In Sections 1780.21(f)(3)(B) and 1780.21(f)(3)(D)(iv), to delete the hyphen from "ground-water" and make it two words; and in Section 1780.21(f)(3)(D)(iv), to delete the hyphen from "surface-water" and make it two words.

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12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On June 9, 1987 and December 16, 1988, the Department received letters from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. On October 25, 1988, OSMRE approved amendments to the Department's permanent regulatory program conditioned upon the submittal of new amendments designed to correct defects in Illinois' rules. The proposed amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1780:

Section 1780.16 sets forth the Department's requirements for a fish and wildlife plan in the permit application. The adopted amendments to Section 1780.16 serve to make the Department's requirements consistent with its OSMRE counterpart regulation, 30 CFR 780.16.

Section 1780.21 sets forth the Department's requirements for hydrologic information in surface coal mining permit applications. The adopted amendments to Section 1780.21 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 780.21.

Section 1780.31 sets forth the Department's requirements for the protection of public parks and historic places applicable to surface coal mines. The adopted amendments to Section 1780.31 serve to make the Department's requirements consistent with the OSMRE counterpart regulation, 30 CFR 780.31.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

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TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALSPART 1780  
SURFACE MINING PERMIT APPLICATION--MINIMUM  
REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section	Responsibilities
1780.4	Use of Existing Data
1780.5	Use of Expert Opinion
1780.6	Operation Plan: General Requirements
1780.11	Operation Plan: Existing Structures
1780.12	Operation Plan: Blasting
1780.13	Operation Plan: Maps and Plans
1780.14	Air Pollution Control Plan
1780.15	Fish and Wildlife Plan
1780.16	Reclamation Plan: General Requirements
1780.18	Hydrologic Information
1780.21	Geologic Information
1780.22	Reclamation Plan: Post-mining Land Uses
1780.23	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1780.25	Reclamation Plan: Surface Mining Near Underground Mining
1780.27	Diversions
1780.29	Protection of Public Parks and Historic Places
1780.31	Relocation or Use of Public Roads
1780.33	Disposal of Excess Spoil
1780.35	Transportation Facilities
1780.37	Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities
1780.38	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8511; amended at 11 Ill. Reg. 8602, effective July 1, 1987; amended at 14 Ill. Reg. 11911, effective January 1, 1991.

## Section 1780.16 Fish and Wildlife Plan

a) Each application shall contain a fish and wildlife plan, consistent with 62 Ill. Adm. Code 1816.97 which provides:

Resource information. Each application shall include fish and wildlife resource information for the permit area and adjacent area.

1) A statement of how the plan will minimize disturbances and adverse impacts on fish and wildlife and related environmental

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values during surface coal mining and reclamation operations, and how enhancement of these resources will be achieved, where practicable. The plan shall cover the mine plan area and portions of adjacent areas as determined by the Department pursuant to 62 Ill. Adm. Code 179.20(f).

The scope and level of detail for such information shall be determined by the Department in consultation with State and Federal agencies with responsibilities for fish and wildlife and shall be sufficient to design the protection and enhancement plan required under subsection (b).

A) Prior to initiating such studies, the applicant shall contact the Department to determine, in accordance with subsection (a)(1)(B), what fish and wildlife resources information will be required.

B) The Department, in consultation with the Illinois Department of Conservation, shall determine the level of detail and the areas of such studies according to:

- i) Published data and other pertinent unpublished information;
- ii) Site-specific information obtained by the applicant; and
- iii) Written guidance obtained from agencies consulted.

2) If the applicant states that it will not be practicable to achieve a condition which clearly shows a trend toward enhancement of fish and wildlife resources at the time revegetation has been successfully completed under 62 Ill. Adm. Code 1816.111 through 1816.117, a statement shall be provided which establishes why it is not practicable to achieve such a condition.

Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

A) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or those species or habitats protected by the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.

B) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas; or

C) Other species or habitats identified through agency consultation as requiring special protection under State or Federal law.

b) A statement explaining how the applicant will utilize impact control measures, management techniques, and monitoring methods to protect or

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enhance-the-following-if-they-are-to-be-affected-by-the-proposed activities:

Protection and enhancement plan. Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. This description shall--

1) Threatened-or-endangered-species-of-plants-or-animals-listed-by the-Secretary-of-the-United-States-Department-of-the-Interior (Secretary)-under-the-Endangered-Species-Act-of-1973-as-amended (16-U.S.C.-1531-et-seq)-and-their-critical-habitats Be consistent with the requirements of 62 Ill. Adm. Code 1816.97;

2) Species-such-as-eagles-migratory-birds-or-other-animals protected-by-State-or-Federal-law-and-their-habitats-or-other species-identified-through-the-consultation-process-pursuant-to 62-III-Adm.-Code-1779-20-or Apply, at a minimum, to species and habitats identified under subsection (a); and

3) Habitats-of-unusually-high-value-for-fish-and-wildlife-such-as wetlands-riparian-areas-cliffs-supporting-raptors--areas offering-special-shelter-or-protection-reproduction-and-nursery areas-and-wintering-areas Include--

A) Protective measures that will be used during the active mining phase of operation. Such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the monitoring of surface water quality and quantity; and

B) Enhancement measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. Such measures may include restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation of for wildlife food and cover, and the replacement of perches and nest boxes. Where the plan does not include enhancement measures, a statement shall be given explaining why enhancement is not practicable.

C) Fish and Wildlife Service review. Upon request, the Department shall provide the resource information required under subsection (a) and the protection and enhancement plan required under subsection (b) to the U.S. Department of the Interior, Fish and Wildlife Service Regional or Field Office for their review. This information shall be provided within 10 days of receipt of the request from the Service.

(Source: Amended at 14 Ill. Reg. 11911, effective January 1, 1991)

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## Section 1780.21 Hydrologic Information

a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th edition of "Standard Methods for the Examination of Water and Wastewater," (1980) which is incorporated by reference, or the methodology in 40 CFR 136 and 434. Water quality sampling performed to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW., Washington D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Department of Mines and Minerals, 227-South-7th-Street-Rm.-201-Springfield-III--62701 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.

1) Ground water information. The location and ownership for the permit and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.

A) Ground water quality descriptions shall include, at a minimum, pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

B) Ground water quantity descriptions shall include, at a minimum, approximate rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing stratum which may be potentially impacted below the coal to be mined.

2) Surface water information. The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity sufficient to demonstrate seasonal variation and water usage.

A) Water quality descriptions shall include, at a minimum,

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baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface water points being monitored.

B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.

3) If the determination of probable hydrologic consequences required by subsection (f) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (1) and (2) shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.

c) Baseline cumulative impact area information.

1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (g) shall be provided to the Department, if available from appropriate Federal or State agencies.

2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.

3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.

d) The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application if such techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be required by the Department for the purposes of calibration of such models for each site even when such techniques are used.

e) If the determination of probable hydrologic consequences required in subsection (f) indicates that the proposed mining operation may proximately result in the contamination, diminution, or interruption of an underground or surface water source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial, or other legitimate purpose, then the application shall contain information on water availability and alternative water sources, including the suitability of the alternate water source for existing premining uses and approved post-mining land uses.

f) Determination of the probable hydrologic consequences (PHC).

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1) The application shall contain a determination of the probable hydrologic consequences of the proposed surface mining activities, on the proposed permit area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences.

2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

3) The PHC determination shall include findings on:

A) Whether adverse impacts may occur to the hydrologic balance;

B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface or ground water supplies;

C) Whether the proposed operation may proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial, or other legitimate purposes such as recreational and fish and wildlife uses; and

D) What impact the proposed operation will have on:

i) sediment yield from the disturbed area;

ii) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;

iii) flooding or stream-flow alteration;

iv) ground water and surface water availability; and

v) other characteristics as required by the Department, based upon public comment, Interagency Committee comment, and the Department's technical review.

4) An application for permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.

g) Cumulative hydrologic impact assessment

1) The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall allow the submittal of data and analyses by the permittee in accordance with subsection (c).

2) An application for a permit revision shall be reviewed by the

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Department to determine whether a new or updated assessment shall be required.

- h) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1816.41 through 1816.43 will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation through bond release to minimize disturbances to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; to meet the applicable Federal and State water quality laws and regulations and to protect the rights of present water users. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity and protect or replace rights of present water users. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (f) and shall include preventative and remedial measures.

- i) Ground water monitoring plan

1) The application shall include a ground water monitoring plan based upon the determination of probable hydrologic consequences required under subsection (f) and the analyses of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set forth in subsection (h). It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance.

- 2) If an applicant can demonstrate the proposed operation will not result in an adverse impact to the hydrologic balance, then the Department may waive the requirement for ground water monitoring. Such a waiver will not necessarily relieve the applicant from collecting the baseline ground water data required under

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subsection (b); by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

- j) Surface water monitoring plan

1) The application shall include a surface water monitoring plan based upon the determination of probable hydrologic consequences required in subsection (f) and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance set forth in subsection (h) and the effluent limitations in 40 CFR 434.

2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at upstream monitoring locations pH, total dissolved solids, total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.

B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).

3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three (3) months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at 14 Ill. Reg. 11911, effective January 1, 1991)

## Section 1780.31 Protection of Public Parks and Historic Places

- a) For any publicly owned parks or historic any places listed on the National Register of Historic Places that may be adversely affected by

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the proposed operations, each plan shall describe the measures to be used to minimize or prevent these impacts and to obtain approval of the Department and other agencies as required in 62 Ill. Adm. Code 1761.12(f).

1) To prevent adverse impacts caused by surface mining related activities including, but not limited to, loss or destruction of historic artifacts and damage to historic structures or property;

or

2) If valid existing rights exist or joint agency approval is to be obtained under 62 Ill. Adm. Code 1761.12(e), to minimize adverse impacts.

b) The Department, in consultation with the Illinois State Historic Preservation Agency, may require the applicant to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required to be taken after permit issuance, taking into account mining plans and the amount of materials present, provided that the required measures are completed before the properties are affected by any mining operation. Appropriate mitigation and treatment measures for properties consisting of buried or surface deposits of archeological materials may include making the property available to any interested archeological investigators for study for a period of time that takes into account mining plans and the amount of materials present.

(Source: Amended at 14 Ill. Reg. 11911, effective January 1, 1991)

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1) The Heading of the Part: Surface Mining Permit Applications -- Minimum Requirements for Information on Environmental Resources

2) Code Citation: 62 Ill. Adm. Code 1779

3) Section Numbers: Adopted Action:

1779.12 Amended  
1779.20 Repealed

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (111. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12347

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The first sentence of Section 1779.12(b)(1) will be corrected to include all inadvertently deleted language and will read as follows:

The nature of cultural, archeological and historic resources listed or eligible for listing on the National Register of Historic Places in accordance with the National Historic Preservation Act of 1966, as amended (16 U.S.C. 47 et seq.) and

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known archeological features within the proposed permit and adjacent areas.

The second sentence of Section 1779.12(b)(2) is changed to read as follows:

An applicant shall be required to conduct field investigations under this subsection as determined necessary by the Department in consultation with the Illinois State Historic Preservation Agency.

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1779.12(b)(2), to add the following sentence after the first sentence:

"Indications of cultural, archeological, and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics and other cultural, archeological, and historical resource data for the proposed permit or adjacent areas."

In Section 1779.12(b)(2), to add the following phrase, "if such field investigation will provide the information required by subsection (a)" after the word "Agency".

To add the following sentence at the end of subsection (b): "A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate."

In Section 1779.12 to delete the number "(1)" and "(2)" and create two paragraphs labeled "a" and "b".

To change the citation for the National Historic Preservation Act of 1966 to read "16 U.S.C. 470".

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE),

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revised a significant number of the Federal permanent program regulations.

On June 9, 1987 and December 16, 1988, the Department received a letter from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The proposed amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives.

The following discussion describes the adopted amendments of Part 1779:

Section 1779.12 sets forth the Department's requirements for environmental resources information in the permit application. The adopted amendments to Section 1779.12 serves to make the Department's requirements consistent with its OSMRE counterpart regulation, 30 CFR 779.12.

Section 1779.20 sets forth the Department's requirements for fish and wildlife resources information in the permit application. Section 1779.20 will be repealed; its requirements will be added to 62 Ill. Adm. Code 1780.16.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name:	Paul J. Ehret, Supervisor
Address:	Land Reclamation Division Department of Mines and Minerals 300 West Jefferson, Suite 300 P.O. Box 10197 Springfield, Illinois 62791-0197
Telephone:	(217) 782-4970

The full text of the Adopted Amendments is as follows:

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TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1779  
SURFACE MINING PERMIT APPLICATIONS - MINIMUM REQUIREMENTS  
FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Section	General Requirements
1779.4	Responsibilities
1779.5	Use of Existing Data
1779.6	Use of Expert Opinion
1779.7	Seasonal Water Quality Data (Repealed)
1779.11	General Requirements
1779.12	General Environmental Resources Information
1779.13	Description of Hydrology and Geology: General Requirements (Repealed)
1779.14	Geology Description (Repealed)
1779.15	Ground Water Information (Repealed)
1779.16	Surface Water Information (Repealed)
1779.17	Alternative Water Supply Information (Repealed)
1779.19	Vegetation Information
1779.20	Fish and Wildlife Resources Information (Repealed)
1779.21	Soil Resources Information
1779.22	Land Use Information
1779.24	Maps: General Requirements
1779.25	Cross Sections, Maps and Plans
1779.27	Prime Farmland Investigation (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 1001.3; amended at 11 Ill. Reg. 8585, effective July 1, 1987; amended at 14 Ill. Reg. 11924, effective January 1, 1991.

## Section 1779.12 General Environmental Resources Information

Each application shall describe and identify:

- The lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought; and
- the nature of cultural, archeological and historic resources listed or eligible for listing on the National Register of Historic Places in accordance with the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) and known archeological features within the proposed permit and adjacent areas. The description shall be based on all available information.

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including, but not limited to, data of State and local archeological, historical, and cultural preservation agencies.

- If the information provided pursuant to subsection (a) is not adequate to enable the Department to make the finding required in 62 Ill. Adm. Code 1773.15(c)(12) because information available to the Department indicates a substantial likelihood of currently unknown resources which would be eligible for the National Register of Historic Places within the proposed permit or adjacent areas, the Department shall require the applicant to submit additional information to enable the Department to identify and evaluate such resources. Indications of cultural, archeological, and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics and other cultural, archeological, and historical resource data for the proposed permit or adjacent areas. An applicant shall be required to conduct field investigations under this subsection as determined necessary by the Department in consultation with the Illinois State Historic Preservation Agency, if such field investigation will provide the information required by subsection (a). A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate.

(Source: Amended at 14 Ill. Reg. 11924, effective January 1, 1991.)

## Section 1779.20 Fish and Wildlife Resources Information (Repealed)

- Each application shall include a study of fish and wildlife and their habitats within the proposed mine plan area and the portions of the adjacent areas where effects on such resources may be expected to occur.
- Prior to initiating such studies, the applicant shall contact the Department to determine, in accordance with subsection (c), what fish and wildlife resources information will be required.
- The Department, in consultation with the Illinois Department of Conservation, shall determine the level of detail and the areas of such studies according to:
  - Published data and other information;
  - Site-specific information obtained by the applicant; and
  - Written guidance obtained from agencies consulted.

(Source: Repealed at 14 Ill. Reg. 11924, effective January 1, 1991.)

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1) The Heading of the Part: Underground Mining Permit Applications -- Minimum Requirements for Information on Environmental Resources

2) Code Citation: 62 Ill. Adm. Code 1783

3) Section Numbers: Adopted Action:

1783.12 Amended  
1783.20 Repealed

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: January 1, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1990

9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12366

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

The first and second sentences of Section 1783.12(b)(1) will be corrected to include all inadvertently deleted language and will read as follows:

The nature of cultural, archeological and historic resources listed or eligible for listing on the National Register of Historic Places in accordance with the National Historic

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Preservation Act of 1966, as amended, (16 U.S.C. 470 et seq.) and known archeological features within the proposed permit, shadow and adjacent areas. The description shall be based on all available information, including, but not limited to, data of State and local archeological, historic, and cultural preservation agencies.

The second sentence of Section 1783.12(b)(2) is changed to read as follows:

An applicant shall be required to conduct field investigations under this subsection as determined necessary by the Department in consultation with the Illinois State Historic Preservation Agency.

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

To revise the language of Section 1783.12 by removing the subsection label (b)(1) and renumbering subsection (2) as (b) and changing the text to read as follows:

"If the information provided pursuant to subsection (a) is not adequate to enable the Department to make the finding required in 62 Ill. Adm. Code 1773.15(c)(12) because information available to the Department indicates a substantial likelihood of currently unknown resources which would be eligible for the National Register of Historic Places within the proposed permit, shadow, or adjacent areas, the Department shall require the applicant to submit additional information to enable the Department to identify and evaluate such resources. Indications of cultural, archeological and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics and other cultural, archeological and historical resource data for the proposed permit, shadow, and adjacent areas. An applicant shall be required to conduct field investigations under this subsection as determined necessary by the Department in consultation with the Illinois Historic Preservation Agency, if such field investigations will provide the information required by subsection (a). A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate."

To cite the specific sections of the Act, Sections 2.01, 2.02, and 9.01, which authorize this rulemaking in its Authority Note.

In Section 1783.12, to change the word "features" to "sites"; the word

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", shadow" has been inserted after "permit", following the citation to the National Historic Preservation Act of 1966.

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- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On June 6, 1987 and December 16, 1988, the Department received letters from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. The proposed amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives

The following discussion describes the adopted amendments of Part 1783:

Section 1783.12 outlines the Department's requirements for environmental resources information in underground coal mining permit applications. The adopted amendments to Section 1783.12 serve to make the Department's requirements consistent with its OSMRE counterpart regulation, 30 CFR 783.12.

Section 1783.20 sets forth the Department's requirement for fish and wildlife resources information in underground coal mining permit applications. Section 1783.20 will be repealed; its requirements will be added to 62 Ill. Adm. Code 1784.21.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

The full text of the Adopted Amendments is as follows:

## DEPARTMENT OF MINES AND MINERALS

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 62: MINING

## CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1783

## UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Section	Requirements
1783.4	Responsibilities
1783.5	Use of Existing Data
1783.6	Use of Expert Opinion
1783.7	Seasonal Water Quality Data (Repealed)
1783.11	General Requirements
1783.12	General Environmental Resources Information
1783.13	Description of Hydrology and Geology: General Requirements
1783.14	Geology Description (Repealed)
1783.15	Ground Water Information (Repealed)
1783.16	Surface Water Information (Repealed)
1783.19	Vegetation Information
1783.20	Fish and Wildlife Resources Information (Repealed)
1783.21	Soil Resources Information
1783.22	Land Use Information
1783.24	Maps: General Requirements
1783.25	Cross-Sections, Maps, and Plans
1783.27	Prime Farmland Investigation (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7902.01, 7902.02 and 7909.01).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4937; amended at 11 Ill. Reg. 8632, effective July 1, 1987; amended at 14 Ill. Reg. 11929, effective January 1, 1991.

## Section 1783.12 General Environmental Resources Information

Each application shall describe and identify:

- The lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought; and
- The nature of cultural, archeological and historic resources listed or eligible for listing on the National Register of Historic Places in accordance with the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 et seq.) and known archaeological sites within the proposed permit, shadow and adjacent areas. The description shall be based on all available information, including, but not limited to, data of State and local

- archaeological, historic, and cultural preservation agencies. If the information provided pursuant to subsection (a) is not adequate to enable the Department to make the finding required in 62 Ill. Adm. Code 1773.15(c)(12) because information available to the Department indicates a substantial likelihood of currently unknown resources which would be eligible for the National Register of Historic Places within the proposed permit, shadow, or adjacent areas, the Department shall require the applicant to submit additional information to enable the Department to identify and evaluate such resources. Indications of cultural, archeological and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics, and other cultural, archeological, and historical resource data for the proposed permit, shadow, and adjacent areas. An applicant shall be required to conduct field investigations under this subsection as determined necessary by the Department in consultation with the Illinois State Historic Preservation Agency, if such field investigations will provide the information required by subsection (a). A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate.

(Source: Amended at 14 Ill. Reg. 11929, effective January 1, 1991)

## Section 1783.20 Fish and Wildlife Resources Information (Repealed)

- Each application shall include a study of fish and wildlife and their habitats within the proposed mine plan area where surface operations will be conducted or facilities located and the portions of the adjacent areas where effects on such resources may be expected to occur;
- Prior to initiating such studies, the applicant shall contact the Department to determine what fish and wildlife resources information will be required;
- The Department, in consultation with the Illinois Department of Conservation, shall determine the level of detail and the areas of such studies according to:
  - Published data and other information;
  - Site-specific information obtained by the applicant; and
  - Written guidance obtained from agencies consulted.

(Source: Repealed at 14 Ill. Reg. 11929, effective January 1, 1991)

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan

- 2) Code Citation: 62 Ill. Adm. Code 1784

- 3) Section Numbers:

1784.14  
1784.17  
1784.21

Adopted Action:

Amended  
Amended  
Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

- 5) Effective Date of Amendments: January 1, 1991

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

- 8) Date filed in agency's principal office: July 1, 1990

- 9) Date Notice of Proposed Amendments published in Illinois Register:

July 28, 1989; 13 Ill. Reg. 12371

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and the Joint Committee on Administrative Rules.

The following changes were made based upon comments received:

Section 1784.14 is changed by deleting proposed new subsection (h)(3) and by amending current subsection (h)(2) to read as follows:

If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the

## DEPARTMENT OF MINES AND MINERALS

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proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

Section 1784.17(b) is amended to read as follows:

The Department, in consultation with the Illinois State Historic Preservation Agency, may require the applicant to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures.

Proposed new Section 1784.21(a)(2)(A) is amended by replacing the words "similar State statutes" with "the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1987, ch. 8, par. 331 et. seq."

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Mines and Minerals has agreed:

In Section 1784.14(e)(3)(C)(v), to insert ", based upon public comment, Interagency Committee comment and the Department's technical review" after "Department".

In Section 1784.17(a)(1), to clarify "adverse impact" as such:

To prevent adverse impacts caused by surface mining related activities including, but not limited to, loss or destruction of historic artifacts and damage to historic structures or property;"

In Section 1784.17(b), in order to be consistent with the companion rules at 62 Ill. Adm. Code 1780, to insert ", taking into account mining plans and the amount of materials present," after "issuance" in the second sentence; in the last sentence, to remove "reasonable", remove the comma after "time", and change "taking" to "that takes".

In Section 1784.21(a)(2)(C), delete the phrase "State or Federal law" and insert "the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.)."

To insert the remaining language appearing in the first notice version of Section 1784.17(b), as revised according to agreements made between the Department and the Joint Committee, since this language was inadvertently omitted in the Department's second notice.

In Section 1784.21(a)(2)(A), remove the period after "et" in the last

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line.

In Section 1784.21(a)(1)(B)(i), to insert "pertinent unpublished" before "information".

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

## 15) Summary and purpose of amendments:

During the period 1987 through 1989 the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), revised a significant number of the Federal permanent program regulations.

On June 9, 1987 and December 16, 1988, the Department received letters from OSMRE, pursuant to 30 CFR 732.17, setting forth those state regulations that must be amended in order to be consistent with the revised federal regulations. On October 25, 1988, OSMRE approved amendments to the Department's permanent regulatory program conditioned upon the submittal of new amendments designed to correct defects in Illinois' rules. The adopted amendments to the Illinois regulations outlined below serve to address the concerns set forth in OSMRE's directives and incorporate changes the Department believes are necessary to enhance the clarity of Illinois' rules.

The following discussion describes the adopted amendments of Part 1784:

Section 1784.14 delineates the Department's requirements for hydrologic information in underground coal mining permit applications. The adopted amendments to Section 1784.14 serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 784.14.

Section 1784.17 outlines the Department's requirements for the protection of public parks and historic places in underground coal mining permit applications. The adopted amendments to Section 1784.17 serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR 784.17.

Section 1784.21 sets forth the Department's requirements for a fish and wildlife plan in underground coal mining permit applications. The adopted amendments to Section 1784.21 serve to make the Department's requirements consistent with the OSMRE counterpart regulations, 30 CFR

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784.21.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Paul J. Ehret, Supervisor

Address: Land Reclamation Division  
Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10197  
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of the Adopted Amendments is as follows:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

## PART 1784

UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM  
REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

- Section
- 1784.4 Responsibilities
  - 1784.5 Use of Existing Data
  - 1784.6 Use of Expert Opinion
  - 1784.11 Operation Plan: General Requirements
  - 1784.12 Operation Plan: Existing Structures
  - 1784.13 Reclamation Plan: General Requirements
  - 1784.14 Hydrologic Information
  - 1784.15 Reclamation Plan: Post-mining Land Uses
  - 1784.16 Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
  - 1784.17 Protection of Public Parks and Historic Places
  - 1784.18 Relocation or Use of Public Roads
  - 1784.19 Underground Development Waste
  - 1784.20 Subsidence Control Plan
  - 1784.21 Fish and Wildlife Plan
  - 1784.22 Geologic Information
  - 1784.23 Operation Plan: Maps and Plans
  - 1784.24 Transportation Facilities
  - 1784.25 Return of Coal Processing Waste to Abandoned Underground Workings
  - 1784.26 Air Pollution Control Plan
  - 1784.27 Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities
  - 1784.29 Diversions

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 111. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9350; amended at 11 Ill. Reg. 8652, effective July 1, 1987; amended at 14 Ill. Reg. 11935, effective January 1, 1991.

## Section 1784.14 Hydrologic Information

- a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th edition of "Standard Methods for the Examination of Water and Wastewater," (1980) which is incorporated by reference, or the methodology in 40 CFR 136 and 434. Water quality sampling performed to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods

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for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW., Washington D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Department of Mines and Minerals, 227-South-7th-Street, Rm--2017--Springfield--62701, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

- b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.

1) Ground water information.  
The location and ownership for the permit and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.

A) Ground water quality descriptions shall include, at a minimum, pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

B) Ground water quantity descriptions shall include, at a minimum, approximate rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing stratum which may be potentially impacted below the coal to be mined.

2) Surface water information.  
The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity sufficient to demonstrate seasonal variation and water usage.

A) Water quality descriptions shall include, at a minimum, baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface water points being monitored.

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- B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.
- 3) If the determination of probable hydrologic consequences required by subsection (e) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (1) and (2) shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.
- c) Baseline cumulative impact area information.
- 1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (f) shall be provided to the Department, if available from appropriate Federal or State agencies.
  - 2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.
  - 3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.
- d) The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application if such techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be required by the Department for the purposes of calibration of such models for each site even when such techniques are used.
- e) Determination of the probable hydrologic consequences (PHC).
- 1) The application shall contain a determination of the probable hydrologic consequences of the proposed operation on the proposed permit area, shadow area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences on a site-specific basis.
  - 2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.
  - 3) The PHC determination shall include findings on:
    - A) Whether adverse impacts may occur to the hydrologic balance;
    - B) Whether acid-forming or toxic-forming materials are present

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- that could result in the contamination of surface-or ground-water supplies; and
- C) What impact the proposed operation will have on:
- i) sediment yield from the disturbed areas;
  - ii) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;
  - iii) flooding or stream-flow alteration;
  - iv) ground-water and surface-water availability; and
  - v) other characteristics as required by the Department, based upon public comment, Interagency Committee comment and the Department's technical review.
- 4) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.
- f) Cumulative hydrologic impact assessment.
- 1) The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall allow the submittal of data and analyses by the permittee in accordance with subsection (c).
  - 2) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated assessment shall be required.
  - g) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1817, including 62 Ill. Adm. Code 1817.41 through 1817.43, will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation, through bond release, to minimize disturbances to the hydrologic balance within the permit, shadow, and adjacent areas; to prevent material damage outside the permit area; to meet the applicable Federal and State water quality laws and regulations. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (e) and shall include preventative and remedial measures.
  - h) Ground water monitoring plan.
    - 1) The application shall include a ground water monitoring plan based upon the determination of probable hydrologic consequences required under subsection (e) and the analyses of all baseline hydrologic, geologic and other information in the permit

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application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set forth in subsection (g). It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance.

2) If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed operation will not result in an adverse impact to the hydrologic balance, then the Department may waive the requirement for ground-water monitoring. Such a waiver will not necessarily relieve the applicant from collecting the baseline ground-water data required under subsection (b), permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

- i) Surface water monitoring plan.
  - 1) The application shall include a surface water monitoring plan based upon the determination of probable hydrologic consequences required in subsection (e) and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance as set forth in subsection (g), and to the effluent limitations in 40 CFR 434.
  - 2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at

## DEPARTMENT OF MINES AND MINERALS

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upstream monitoring locations, pH, total dissolved solids, total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department may shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.

- B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).
- 3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three (3) months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at 14 Ill. Reg. 11935, effective January 1, 1991)

## Section 1784.17 Protection of Public Parks and Historic Places.

- a) For any publicly owned parks or historic any places listed on the National Register of Historic Places that may be adversely affected by the proposed operation, each plan shall describe the measures to be used to minimize or prevent these impacts and to obtain approval of the Department and other agencies as required in 62-III-Adm-Code 1761-12(f).

1) To prevent adverse impacts caused by surface mining related activities including, but not limited to, loss or destruction of historic artifacts and damage to historic structures or property.

- 2) If valid existing rights exist or joint agency approval is to be obtained under 62 Ill. Adm. Code 1761.12(e), to minimize adverse impacts.

b) The Department, in consultation with the Illinois State Historic Preservation Agency, may require the applicant to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required to be taken after permit issuance, taking into account mining plans and the amount of materials present, provided that the required measures are completed before the properties are affected by any mining operation. Appropriate mitigation and treatment measures for properties consisting of buried or surface deposits of archeological materials may include making the property available to any interested archeological investigators for study for a period of time that takes into account mining plans and the amount of materials present.

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(Source: Amended at 14 Ill. Reg. 11935, effective January 1, 1991)

Section 1784.21 Fish and Wildlife Plan

- a) Each application shall contain a fish and wildlife plan, consistent with the performance standards of 62 Ill. Adm. Code 1817.97 and which provides:

Resource information. Each application shall include fish and wildlife resource information for the permit area and adjacent area.

1) A statement of how the plan will minimize disturbances and adverse impacts on fish and wildlife and related environmental values during surface coal mining and reclamation operations; and how enhancement of these resources will be achieved, where practicable; the plan shall cover the portions of the mine plan area and adjacent areas as determined by the Department pursuant to 62 Ill. Adm. Code 1783.20.

The scope and level of detail for such information shall be determined by the Department in consultation with State and Federal agencies with responsibilities for fish and wildlife and shall be sufficient to design the protection and enhancement plan required under subsection (b).

- A) Prior to initiating such studies, the applicant shall contact the Department to determine, in accordance with subsection (B), what fish and wildlife resources information will be required.
- B) The Department, in consultation with the Illinois Department of Conservation, shall determine the level of detail and the areas of such studies according to:
- 1) Published data and other pertinent unpublished information;
  - ii) Site-specific information obtained by the applicant; and
  - iii) Written guidance obtained from agencies consulted.
- 2) If the applicant states that it will not be practicable, in accordance with subsection (a)(1), to achieve a condition which clearly shows a trend toward enhancement of fish and wildlife resources at the time revegetation has been successfully completed under 62 Ill. Adm. Code 1817.111 through 1817.117, a statement shall be provided which establishes why it is not practicable to achieve such a condition.

Site-specific resource information necessary to address the respective species or habitats shall be required when the permit area or adjacent area is likely to include:

- A) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or those species or

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habitats protected by the Illinois Endangered Species Protection Act, Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.;

- B) Habitats of unusually high value for fish and wildlife such as important streams, wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, migration routes, or reproduction and wintering areas; or

- C) Other species or habitats identified through agency consultation as requiring special protection under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.).

- b) A statement explaining how the applicant will utilize impact-control measures, management techniques, and monitoring methods to protect or enhance the following, if they are to be affected by the proposed activities:

Protection and enhancement plan. Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations and how enhancement of these resources will be achieved where practicable. This description shall --

- 1) Threatened or endangered species of plants or animals listed by the Secretary of the United States Department of the Interior (Secretary) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) and their critical habitats; Be consistent with the requirements of 62 Ill. Adm. Code 1817.97;
- 2) Species such as eagles, migratory birds or other animals protected by State and Federal law, and their habitats, or other species identified through the consultation process pursuant to 62 Ill. Adm. Code 1783.20; or Apply, at a minimum, to species and habitats identified under subsection (a); and
- 3) Habitats of unusually high value for fish and wildlife, such as wetlands, riparian areas, cliffs supporting raptors, areas offering special shelter or protection, reproduction and nursery areas, and wintering areas.

Include--

- A) Protective measures that will be used during the active mining phase of operation. Such measures may include the establishment of buffer zones, the selective location and special design of haul roads and powerlines, and the monitoring of surface water quality and quantity; and
- B) Reclamation measures that will be used during the reclamation and postmining phase of operation to develop aquatic and terrestrial habitat. Such measures may include

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restoration of streams and other wetlands, retention of ponds and impoundments, establishment of vegetation for wildlife food and cover, and the replacement of perches and nest boxes. Where the plan does not include enhancement measures, a statement shall be given explaining why enhancement is not practicable.

- c) Fish and Wildlife Service review. Upon request, the Department shall provide the resource information required under subsection (a) and the protection and enhancement plan required under subsection (b) to the U.S. Department of the Interior, Fish and Wildlife Service Regional or Field Office for their review. This information shall be provided within 10 days of receipt of the request from the Service.

(Source: Amended at 14 Ill. Reg. 11935, effective January 1, 1991.)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: HAZARDOUS WASTE INJECTION RESTRICTIONS

- 2) Code Citation: 35 Ill. Adm. Code 738

- 3) Section Numbers: Adopted Action:

738.110 Amendments  
738.111 Amendments  
738.114 Amendments  
738.115 New Section  
738.116 New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1022.4 and 1027.

- 5) Effective Date of amendments: July 9, 1990

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date filed in Board's Principal Office: Order adopted May 24, 1990.

- 9) Notice of Proposal Published in Illinois Register:

March 7, 1990, 14 Ill. Reg. 3823

- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 11) Differences between proposal and final version:

Minor editorial differences. The board corrected the format of Section 738.114 to comport with Illinois Administrative Code format requirements.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of May 24, 1990 in R89-11, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1, 1989 through November 30, 1989. The amendments to this Part effect technical corrections to the restrictions on solvent- and dioxin-containing wastes, add to the restrictions on injection of First Third wastes, initiate new restrictions on Second Third wastes, and set forth the initial restrictions on Third Third wastes. The amendments also effect format and grammatical corrections.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60610  
312-814-6924

The full text of the Adopted Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

## PART 738

## HAZARDOUS WASTE INJECTION RESTRICTIONS

## SUBPART A: GENERAL

Section  
738.101  
738.102  
738.103  
738.104  
738.105

Purpose Scope and Applicability  
Definitions  
Dilution Prohibited as a Substitute for Treatment  
Case-by-Case Extensions of an Effective Date  
Waste Analysis

## SUBPART B: PROHIBITIONS ON INJECTION

Section  
738.110  
738.111  
738.112  
738.114  
738.115  
738.116

Waste Specific Prohibitions - Solvent Wastes  
Waste Specific Prohibitions - Dioxin-Containing Wastes  
Waste Specific Prohibitions - California List Wastes  
Waste Specific Prohibitions - First Third Wastes  
Waste Specific Prohibitions - Second Third Wastes  
Waste Specific Prohibitions - Third Third Wastes

## SUBPART C: PETITION STANDARDS AND PROCEDURES

Section  
738.120  
738.121  
738.122  
738.123  
738.124

Petitions to Allow Injection of a Prohibited Waste  
Required Information to Support Petitions  
Submission, Review and Approval or Denial of Petitions  
Review of Adjusted Standards  
Termination of Adjusted Standards

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990.

## SUBPART B: PROHIBITIONS ON INJECTION

Section 738.110 Waste Specific Prohibitions - Solvent Wastes

a) 35 Ill. Adm Code 721.131 spent solvents:

1) The spent solvent wastes specified in 35 Ill. Adm. Code

## POLLUTION CONTROL BOARD

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721.131 as by the following EPA Hazardous Waste numbers F0017 F002, F003, F004 and F005 are prohibited from underground injection unless the solvent waste is a solvent-water mixture or solvent-containing sludge containing less than 1 percent total of the following F001 through F005 solvent constituents listed in subsection (a)(2):

F001  
F002  
F003  
F004  
F005

## 2) F001 through F005 solvent constituents:

Acetone  
n-Butyl alcohol  
Carbon disulfide  
Carbon tetrachloride  
Chlorobenzene  
Cresols and cresylic acid  
Cyclohexanone  
1,2-Dichlorobenzene  
Ethyl acetate  
Ethyl benzene  
Ethyl ether  
Isobutanol  
Methanol  
Methylene chloride  
Methylene chloride (from the pharmaceutical industry)  
Methyl ethyl ketone  
Methyl isobutyl ketone  
Nitrobenzene  
Pyridine  
Tetrachloroethylene  
Toluene  
1,1,1-Trichloroethane  
1,1,2-Trichloro-1,2,2-trifluoroethane  
Trichloroethylene  
Trichlorofluoromethane  
Xylene

b) Effective August 8, 1990, all spent F001 through F005 solvent wastes containing less than 1 percent total F001 through F005 solvent constituents listed in subsection (a)(2) are prohibited from injection.

c) The requirements of subsections (a) or (b) do not apply:

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- 1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.144 Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.144 Subpart D; or
- 4) ~~During the period the waste has been granted an adjusted treatment standard under 35 Ill. Adm. Code 728.144.~~

BOARD NOTE: Derived from 40 CFR 148.10 (1989) as added at 53 Fed. Reg. 28155, July 26, 1988.

(Source: Amended at 14 Ill. Reg. 11948, effective July 9, 1990)

## Section 738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as by the following EPA Hazardous Waste numbers F020, F021, F022, F023, F026, F027 and F028 are prohibited from underground injection:

F020  
F021  
F022  
F023  
F026  
F027  
F028

- b) The requirements of subsection (a) do not apply:

- 1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.144 Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.104; or

- 4) ~~During the period the waste has been granted an adjusted treatment standard under 35 Ill. Adm. Code 728.144.~~

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BOARD NOTE: Derived from 40 CFR 148.11 (19882), as added at 53 Fed. Reg. 20155, July 26, 1988.

(Source: Amended at 14 Ill. Reg. 11948, effective July 9, 1990)

## Section 738.114 Waste Specific Prohibitions - First Third Wastes

- a) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:

F006 (nonwastewaters)

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K001

K015 (wastewaters)

K016 (at concentrations greater than or equal to one percent)

K018

K019

K020

K021 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)

K022 (nonwastewaters)

K024

K030

K036 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)

K037

K044

K045

nonexplosive K046 (nonwastewaters)

K047

K048

K060 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms

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of these wastes)

K061 (nonwastewaters)

noncalcium sulfate K069 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)

K086 solvent washes

K087

K099

K101 (all wastewaters and less than one percent total arsenic nonwastewaters)

K102 (all wastewaters and less than one percent total arsenic nonwastewaters)

K103

- b) 1) The waste specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number is prohibited from underground injection:

K036 (wastewaters)

- 2) The waste specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P030

P039

P041

P063

P071

P089

P094

P097

U221

U223

- c) The wastes specified in 35 Ill. Adm. Code 271.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

F008

F009

- ed) Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers ~~K049, K050, K051, K052, K062, K071 and K104~~ are prohibited from underground injection:

## POLLUTION CONTROL BOARD

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K049  
K050  
K051  
K052  
K062  
K071  
K104

- e) Effective June 7, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K016 (at concentrations greater than one percent)

- f) 1) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:

F007

- 2) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K011 (nonwastewaters)  
K013 (nonwastewaters)

- bg) The requirements of subsections (a) through (f) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728. Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.14 (1989), as added at 53 Fed. Reg. 30919, August 16, 1988 amended at 54 Fed. Reg. 35328, August 25, 1989.

(Source: Amended at 14 Ill. Reg. 11948, effective July 9, 1990)

Section 738.115 Waste Specific Prohibitions - Second Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 by the following

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EPA Hazardous Waste number are prohibited from underground injection:

K025 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)

- b) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

F010  
F024

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K009 (nonwastewaters)

K010

K027

K028

K029 (nonwastewaters)

K038

K039

K040

K043

K095 (nonwastewaters)

K096 (nonwastewaters)

K113

K114

K115

K116

- 3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P029

P040

P043

P044

P062

P074

P085

P098

P104

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P106  
P111  
U028  
U058  
U107  
U235

- c) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection pursuant to the treatment standards specified in 35 Ill. Adm. Code 728.141 and 728.143 applicable to F011 and F012 wastewaters and nonwastewaters:

F011 (nonwastewaters)  
F012 (nonwastewaters)

- d) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K009 (wastewaters)

- e) The requirements of subsections (a) through (d) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728. Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.15 (1989).

(Source: Added at 14 Ill. Reg. 11948, effective July 9, 1990)

Section 738.116 Waste Specific Prohibitions - Third Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K100 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes).

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- b) 1) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K005 (nonwastewaters)  
K007 (nonwastewaters)  
K023  
K093  
K094

- 2) The wastes specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P013  
P021  
P099  
P109  
P121  
U069  
U087  
U088  
U102  
U190

- c) The requirements of subsections (a) and (b) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728. Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.16 (1989).

(Source: Added at 14 Ill. Reg. 11948, effective July 9, 1990)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

2) Code Citation: 35 Ill. Adm. Code 730

3) Section Numbers: Adopted Action:

730.108 Amendments

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1022.4 and 1027.

5) Effective Date of amendments: July 9, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date filed in Board's Principal Office: Order adopted May 24, 1990.

9) Notice of Proposal Published in Illinois Register:

February 21, 1990, 14 Ill. Reg. 3014

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Minor editorial differences. The Board chose not to adopt the revision for which it originally proposed amendment of this Part. Rather, the Board adopts only minor amendments to make the text of Section 730.108 to comport with Illinois Administrative Code format requirements.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of May 24, 1990 in R89-11, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1, 1989 through November 30, 1989. The amendments to this Part are restricted to format corrections, to make the text of Section 730.108 comport with Illinois Administrative Code format requirements, and grammatical corrections.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60610  
312-814-6924

The full text of the Adopted Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

## PART 730

## UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

## SUBPART A: GENERAL

Section  
730.101  
730.102  
730.103  
730.104  
730.105  
730.106  
730.107  
730.108  
730.109  
730.110

Applicability, Scope and Effective Date  
Laws Authorizing Regulations  
Definitions  
Criteria for Exempted Aquifers  
Classification of Injection Wells  
Area of Review  
Corrective Action  
Mechanical Integrity  
Criteria for Establishing Permitting Priorities  
Plugging and Abandoning Class I and III Wells

## SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I NON-HAZARDOUS WELLS

Section  
730.111  
730.112  
730.113  
730.114

Applicability  
Construction Requirements  
Operating, Monitoring and Reporting Requirements  
Information to be Considered by Agency

## SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II WELLS

Section  
730.121

Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals

## SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

Section  
730.131  
730.132  
730.133  
730.134

Applicability  
Construction Requirements  
Operating, Monitoring and Reporting Requirements  
Information to be Considered by the Agency

## POLLUTION CONTROL BOARD

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## SUBPART F: CRITERIA AND STANDARDS APPLICABLE TO CLASS V INJECTION WELLS

## Applicability

Section  
730.151  
730.152

Inventory and Assessment

## SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section  
730.161  
730.162  
730.163  
730.164  
730.165  
730.166  
730.167  
730.168  
730.169  
730.170  
730.171  
730.172  
730.173

Applicability and Definitions  
Minimum Criteria for Siting  
Area of Review  
Correction Action for Wells in the Area of Review  
Construction Requirements  
Logging, Sampling and Testing Prior to New Well Operation  
Operating Requirements  
Testing and Monitoring Requirements  
Reporting Requirements  
Information to be Evaluated by the Director  
Closure  
Post-Closure Care  
Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp. ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12,479, effective as, noted in 35 Ill. Adm. Code 700.106; amended in R82-19, 53 PCB 131 at 7 Ill. Reg. 14426 effective as noted in 35 Ill. Adm. Code 700.106; recodified at 10 Ill. Reg. 14174; amended in R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959, effective July 9, 1990.

## SUBPART A: GENERAL

## Section 730.108 Mechanical Integrity

a) The applicant or permittee must demonstrate mechanical integrity when required by other Sections. An injection well has mechanical integrity if:

1) There is no significant leak in the casing, tubing or packer; and

2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection bore.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

b) One of the following tests may be used to demonstrate the absence of significant leaks under ~~paragraph~~ subsection (a)(1):

- 1) Monitoring of annulus pressure; or
  - 2) Pressure test with liquid or gas.
- c) One of the following methods may be used to determine the absence of significant fluid movement under ~~paragraph~~ subsection (a)(2):

- 1) The results of a temperature or noise log; or
- 2) For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at ~~paragraph~~ subsection (c)(1), cementing records demonstrating the presence of adequate cement to prevent migration; or
- 3) For Class III wells where the Agency elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by 35 Ill. Adm. Code 730.113(b) shall be designed to verify the absence of significant fluid movement.

d) The Agency may allow the use of a test to demonstrate mechanical integrity other than those listed in ~~paragraphs~~ subsections (b) and (c). To obtain approval, the owner or operator shall submit a written request to the Agency, which shall set forth the proposed test and all technical data supporting its use. The Agency shall approve the request if ~~the~~ test will reliably demonstrate the mechanical integrity of wells for which its use is proposed.

e) In conducting and evaluating the tests enumerated in this ~~section~~ or others to be allowed by the Agency, the owner or operator and the Agency shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Agency, ~~he~~ it shall include a description of the test and the method used. In making its evaluation, the Agency shall review monitoring and other test data submitted since the previous evaluation.

(Source: Amended at 14 Ill. Reg. 11959, effective July 9, 1990)

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Underground Storage Tanks

2) Code Citation: 35 Ill. Adm. Code 731

3) Section Numbers:

731.192, 731.197, 731.205

Adopted Action:

Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4, 1022.13(d) and 1027.

5) Effective Date of Amendments: July 10, 1990

6) Does this rulemaking contain an automatic repeal date?: No.

7) Does this Amendment contain incorporations by reference?

Yes. Section 731.197 incorporates federal regulations by reference. Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply.

8) Date filed in Board's Principal Office: Order adopted June 7, 1990.

9) Notice of Proposal Published in Illinois Register:

March 23, 1990; 14 Ill. Reg. 4406

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Minor editorial differences. The table of contents has been revised to reflect the Section adopted in R89-19, and the main source note updated to reflect the 1989 Edition of Illinois Revised Statutes.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(d) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to

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first notice or to second notice review by JCAR.

13) Will this Amendment replace an emergency Amendment currently in effect?  
No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments.

A complete description is contained in the Board's Opinion of June 7, 1990, in R90-3, which Opinion is available from the address below.  
Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UST rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1989, through December 31, 1989. These amendments are derived from 54 Fed. Reg. 47081, November 9, 1989. They concern termination of insurance coverage.

16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy  
Scientific/Technical Section  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801  
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL  
AND UNDERGROUND STORAGE TANK PROGRAMS

## PART 731

## UNDERGROUND STORAGE TANKS

## SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

## Section

731.101 Definitions and exemptions (Repealed)  
731.102 Interim prohibitions (Repealed)  
731.103 Notification Requirements (Repealed)  
731.110 Applicability  
731.111 Interim Prohibition for Deferred Systems  
731.112 Definitions  
731.113 Incorporations by Reference  
731.114 Implementing Agency

## SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

## Section

731.120 Performance Standards for New Systems  
731.121 Upgrading of Existing Systems  
731.122 Notification Requirements

## SUBPART C: GENERAL OPERATING REQUIREMENTS

## Section

731.130 Spill and Overfill Control  
731.131 Operation and Maintenance of Corrosion Protection  
731.132 Compatibility  
731.133 Repairs Allowed  
731.134 Reporting and Recordkeeping

## SUBPART D: RELEASE DETECTION

## Section

731.140 General Requirements for all Systems  
731.141 Petroleum Systems  
731.142 Hazardous Substance Systems  
731.143 Tanks  
731.144 Piping  
731.145 Recordkeeping

## SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

## Section

731.150 Reporting of Suspected Releases  
731.151 Investigation due to Off-site Impacts  
731.152 Release Investigation and Confirmation

## POLLUTION CONTROL BOARD

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## Reporting and Cleanup of Spills and Overfills

## SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

## Section

731.160 General  
731.161 Initial Response  
731.162 Initial Abatement Measures and Site Check  
731.163 Initial Site Characterization  
731.164 Free Product Removal  
731.165 Investigations for Soil and Groundwater Cleanup  
731.166 Corrective Action Plan  
731.167 Public Participation

## SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

## Section

731.170 Temporary Closure  
731.171 Permanent Closure and Changes-in-Service  
731.172 Assessing Site at Closure or Change-in-Service  
731.173 Previously Closed Systems  
731.174 Closure Records

## SUBPART H: FINANCIAL RESPONSIBILITY

## Section

731.190 Applicability  
731.191 Compliance Dates  
731.192 Definitions  
731.193 Amount and Scope of Required Financial Responsibility  
731.194 Allowable Mechanisms and Combinations  
731.195 Financial Test of Self-insurance  
731.196 Guarantee  
731.197 Insurance or Risk Retention Group Coverage  
731.198 Surety Bond  
731.199 Letter of Credit  
731.200 UST State Fund  
731.201 Trust Fund  
731.202 Standby Trust Fund  
731.203 Substitution of Mechanisms  
731.204 Cancellation or Nonrenewal by Provider  
731.205 Reporting  
731.206 Recordkeeping  
731.207 Drawing on Financial Assurance  
731.208 Release from Financial Assurance Requirement  
731.209 Bankruptcy or other Incapacity  
731.210 Replenishment  
731.211 Incorporation by reference (Repealed)  
731.900 Compliance Date (Repealed)  
731.901

## Appendix A

Notification Form

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4, 1022.13 and 1027 (Sections 22.4(d), 22.13(d) and 27 of the Environmental Protection Act).

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective September 12, 1989; amended in R89-10 at 14 Ill. Reg. 5797, effective April 10, 1990; amended in R89-19 at 14 Ill. Reg. 9454, effective June 4, 1990; amended in R90-3 at 14 Ill. Reg. 11964 effective July 10, 1990.

NOTE: Capitalization denotes statutory language.

## SUBPART H: FINANCIAL RESPONSIBILITY

## Section 731.192 Definitions

When used in this Subpart, the following terms have the meanings given below:

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

"Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to insert the Insurance Services Office definition.

"Controlling interest" means direct ownership of at least 50 percent of the voting stock of another entity.

"Director of the Implementing Agency". See Section 731.114.

"Environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous or thermal contaminants, irritants or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Financial reporting year" means:

The latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared:

A 10-K report submitted to the Securities Exchange Commission;

An annual report of tangible net worth submitted to Dun and Bradstreet; or

Annual reports submitted to the Energy Information Administration or the Rural Electrification Administration.

"Financial reporting year" may thus comprise a fiscal or a calendar year period.

"Legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought,

By USEPA or the State to require corrective action or to recover the costs of corrective action;

By or on behalf of a third party for bodily injury or property damage caused by an accidental release; or

By any person to enforce the terms of a financial assurance mechanism.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

BOARD NOTE: This definition is intended to assist in the understanding of these regulations and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence".

"Owner or operator", when the owner or operator are separate persons, refers to the person that is obtaining or has obtained financial assurance.

"Petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Petroleum marketing firms" are all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"Pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release or escape results in "environmental damage". The entirety of any such emission, discharge, release or escape shall be deemed to be one "pollution incident". "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. "Waste" includes materials to be recycled, reconditioned or reclaimed. The term "pollution incident" includes an "accidental release" or an "occurrence".

BOARD NOTE: This definition is used in the definition of "property damage."

"Property damage" means

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage do not include corrective action associated with releases from tanks which are covered by the policy.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to insert the Insurance Services Office definition.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in Section 731.195 through 731.203, including a guarantor, insurer, risk retention group, surety or issuer of a letter of credit.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Substantial business relationship" means that one business entity has an ownership interest in another.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Termination" under Section 731.197(b) means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

BOARD NOTE: Derived from 40 CFR 280.92(o), as adopted at 54 Fed. Reg. 47081, November 9, 1989.

"Unit of local government" is as defined in the Illinois Constitution of 1970, Art. VII, Section 1.

(Source: Amended at 14 Ill. Reg. 11964 effective July 10, 1990 )

## Section 731.197 Insurance or Risk Retention Group Coverage

- a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining liability insurance that conforms to the requirements of this Section from a qualified insurer or risk retention group. Such insurance must be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

## b) Forms.

- 1) The Board incorporates by reference 40 CFR 280.97(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988, as amended at 54 Fed. Reg. 47081, November 9, 1989. This Section incorporates no future editions or amendments.
- 2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.97(b), with such changes as are necessary under Illinois law.
- 3) Each insurance policy must be amended by an endorsement, or evidenced by a certificate of insurance. The owner or operator shall use the forms specified in subsection (b)(2), if available; otherwise, the owner or operator shall use the forms in 40 CFR 280.97(b), except that instructions in brackets must

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

be replaced with the relevant information and the brackets deleted.

- c) Each insurance policy must be issued by an insurer or a risk retention group which is licensed by the Illinois Department of Insurance.

(Source: Amended at 14 Ill. Reg. 11964 effective July 10, 1990)

## Section 731.205 Cancellation or Nonrenewal by Provider

- a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator.

- 1) Termination of a guarantor, a surety bond or a letter of credit must not occur until 120 days after the date on which the owner or operator receives the notice of termination as evidenced by the return receipt; or

- 2) Termination of insurance or risk retention group coverage, except for non-payment or misrepresentation by the insured, or coverage by the USF State Fund under Section 731.200, must not occur until 60 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt. Termination for non-payment of premium or misrepresentation by the insured must not occur until a minimum of 10 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

- b) If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in Section 731.206, the owner or operator shall obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify the Fire Marshal of such failure and submit:
  - 1) The name and address of the provider of financial assurance;
  - 2) The effective date of termination; and
  - 3) The evidence of the financial assistance mechanism subject to the termination maintained in accordance with Section 731.207(b).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 11964, effective July 10, 1990 )

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers:  
302.208  
302.211  
302.304  
Adopted Action:  
Amendment  
Amendment  
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.
- 5) Effective Date of Rule: July 9, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 21, 1990
- 9) Notice of Proposal Published in Illinois Register:  
13 Ill. Reg. 20273 December 29, 1989
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
  1. The General Use dissolved iron water quality standard at Section 302.208(e) was changed from 0.2 mg/l to 1.0 mg/l.
  2. Section 302.208 has been amended since this proposal was published for first notice. Therefore, the proposed changes were made to the current version of Section 302.208.
  3. The Board deleted the proposed addition at Section 302.211(k).
  4. Inadvertently two separate rulemakings (13 Ill. Reg. 17633 and 13 Ill. Reg. 20230) were proposed each adding a section 304.211. The 13 Ill. Reg. 17633 rulemaking was adopted at 14 Ill. Reg. 9437, effective May 31, 1990. So it is now necessary to adopt this section as 304.222.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of Rule:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle (C) Toxics Control, Board Docket R88-21, Docket B. Other related amendments are proposed in Part 304 and contained in a separate notice pertaining to there part. A description is also contained in the Board's Opinion and Order of June 21, 1990, which is available from the Clerk of the Board, at IL Pollution Control Board, State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601.

The Board created the Docket B proceeding as part of the overall R88-21 proceeding. In the overall proceeding amendments to this part regulate toxic substances. In this Docket B, the Board adopted standards for dissolved iron as an alternative to a total iron standard. These dissolved iron standards are proposed for both General Use Waters at 302.208 and Public and Food Processing Waters at 302.304.

- 16) Information and questions regarding this adopted rule shall be directed to:

Michelle Tarallo  
Illinois Pollution Control Board  
P. O. Box 505  
DeKalb, IL 60115  
815/753-0947

The full text of the Adopted Rule begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 302  
WATER QUALITY STANDARDS

## SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	Definitions
302.100	Scope and Applicability
302.101	Allowed Mixing, Mixing Zones and ZIDs
302.102	Stream Flows
302.103	Main River Temperatures
302.104	Nondegradation
302.105	

## SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	Scope and Applicability
302.201	Purpose
302.202	Offensive Conditions
302.203	pH
302.204	Phosphorus
302.205	Dissolved Oxygen
302.206	Radioactivity
302.207	Numeric Standards for Chemical Constituents
302.208	Fecal Coliform
302.209	Other Toxic Substances
302.210	Temperature
302.211	Ammonia Nitrogen and Un-ionized Ammonia
302.212	

## SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	Scope and Applicability
302.301	Algalicide Permits
302.302	Finished Water Standards
302.303	Chemical Constituents
302.304	Other Contaminants
302.305	Fecal Coliform
302.306	

## SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section	Scope and Applicability
302.401	Purpose
302.402	Unnatural Sludge
302.403	pH
302.404	Dissolved Oxygen
302.405	Fecal Coliform (Repealed)
302.406	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

302.407  
302.408  
302.409  
302.410

Chemical Constituents  
Temperature  
Cyanide

Substances Toxic to Aquatic Life

## SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

Section  
302.501  
302.502  
302.503  
302.504  
302.505  
302.506  
302.507  
302.508  
302.509

Scope and Applicability  
Dissolved Oxygen  
pH  
Chemical Constituents  
Fecal Coliform  
Temperature  
Existing Sources on January 1, 1971  
Sources under Construction But Not in Operation on January 1, 1971  
Other Sources

## SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section  
302.601  
302.603  
302.604  
302.606  
302.612

Scope and Applicability  
Definitions  
Mathematical Abbreviations  
Data Requirements  
Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures  
Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry  
Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry  
Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures  
Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances  
The Wild and Domestic Animal Protection Criterion  
The Human Threshold Criterion  
Determining the Acceptable Daily Intake  
Determining the Human Threshold Criterion  
The Human Nonthreshold Criterion  
Determining the Risk Associated Intake  
Determining the Human Nonthreshold Criterion  
Stream Flow for Application of Human Nonthreshold Criterion

302.615  
302.618  
302.627  
302.630  
302.633  
302.642  
302.645  
302.648  
302.651  
302.654  
302.657  
302.658  
302.660  
302.663  
302.666  
302.669

Bioconcentration Factor  
Determination of Bioconcentration Factor  
Utilizing the Bioconcentration Factor  
Listing of Derived Criteria

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

APPENDIX A References to Previous Rules  
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended in R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended in R85-29 at 12 Ill. Reg. 12082, effective July 11, 1989; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990.

## SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.208 Numeric Standards for Chemical Constituents

- The acute standard (AS) for the chemical constituents listed in subsection (d) shall not be exceeded at any time except as provided in subsection (c).
- The chronic standard (CS) for the chemical constituents listed in subsection (d) shall not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of at least four days, except as provided in subsection (c). The samples used to demonstrate compliance or lack of compliance with a CS must be collected in a manner which assures an average representative of the sampling period.
- In waters where mixing is allowed pursuant to Section 302.102, the following apply:
  - The AS shall not be exceeded in any waters except for those waters for which the Agency has approved a ZID pursuant to Section 302.102;
  - The CS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

d)

Constituent	STORET Number	AS (ug/L)	CS (ug/L)
Arsenic (total)	01002	360	190
Cadmium (total)	01027	exp[A + Bln(H)], but not to exceed 50 ug/L, where A = -2.918 and B = 1.128	exp[A + Bln(H)], where A = -3.490 and B = 0.7852
Chromium (total hexavalent)	01032	16	11
Chromium (total trivalent)	01033	exp[A + Bln(H)], where A = 3.688 and B = 0.8190	exp[A + Bln(H)], where A = 1.561 and B = 0.8190
Copper (total)	01042	exp[A + Bln(H)], where A = -1.464 and B = 0.9422	exp[A + Bln(H)], where A = -1.465 and B = 0.8545
Cyanide	00718	22	5.2
Lead (total)	01051	exp[A + Bln(H)], but not to exceed 100 ug/L, where A = -1.460 and B = 1.273	Not Applied
Mercury	71900	0.5	Not Applied
TRC	50060	19	11

where: ug/L = microgram per liter,

$\exp(x)$  = base of natural logarithms raised to the x-power, and

$\ln(H)$  = natural logarithm of Hardness (STORET 00900).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- e) Concentrations of the following chemical constituents shall not be exceeded except in waters for which mixing is allowed pursuant to Section 302.102.

Constituent	Units	STORET Number	Standard
Barium (total)	mg/L	01007	5.0
Boron (total)	mg/L	01022	1.0
Chloride (total)	mg/L	00940	500.
Fluoride	mg/L	00951	1.4
Iron (dissolved)	mg/L	01046	1.0
Manganese (total)	mg/L	01055	1.0
Nickel (total)	mg/L	01067	1.0
Phenols	mg/L	32730	0.1
Selenium (total)	mg/L	01147	1.0
Silver (total)	ug/L	01077	5.0
Sulfate	mg/L	00945	500.
Total Dissolved Solids	mg/L	70300	1000.
Zinc (total)	mg/L	01092	1.0

where: mg/L = milligram per liter and  
ug/L = microgram per liter

(Source: Amended at 14 Ill. Reg. 11974, effective July 9, 1990)

SUBPART C: PUBLIC AND FOOD PROCESSING  
WATER SUPPLY STANDARDS

Section 302.304 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Arsenic (total)	01002	0.05
Barium (total)	01007	1.0
Cadmium (total)	01027	0.010
Chloride	00940	250.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Chromium	01034	0.05
Iron (dissolved)	01046	0.3
Lead (total)	01051	0.05
Manganese (total)	01055	0.15
Nitrate-Nitrogen	00620	10.
Oil (hexane-solubles or equivalent)	00550, 00556 or 00560	0.1
Organics		
Pesticides		
Chlorinated Hydro-carbon Insecticides		
Aldrin	39330	0.001
Chlordane	39350	0.003
DDT	39370	0.05
Dieldrin	39380	0.001
Endrin	39390	0.0002
Heptachlor	39410	0.0001
Heptachlor Epoxide	39420	0.0001
Lindane	39782	0.004
Methoxychlor	39480	0.1
Toxaphene	39400	0.005
Organophosphate Insecticides		
Parathion	39540	0.1
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxy-acetic acid (2,4-D)	39730	0.1
2-(2,4,5-Trichlorophenoxy)-propionic acid (2,4,5-Tp or Silvex)	39760	0.01
Phenols	32730	0.001
Selenium (total)	01147	0.01
Sulphates	00945	250.
Total Dissolved Solids	70300	500.

(Source: Amended at 14 Ill. Reg. 11974 effective July 9, 1990)

## OFFICE OF PUBLIC COUNSEL

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Organization, Rulemaking, and Public Access
- 2) Code Citation: 2 Ill. Adm. Code 2700
- 3) Section Numbers: Adopted Action:

2700.10	New Section
2700.13	New Section
2700.15	New Section
2700.20	New Section
2700.25	New Section
2700.26	New Section
2700.27	New Section
2700.Appendix A	New Appendix
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.; Ill. Rev. Stat. 1987, ch. 127, par. 1004.01; Ill. Rev. Stat. 1987, ch. 111 2/3, par. 11-205.
- 5) Effective Date of Rules: July 10, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office? June 29, 1990
- 9) Notice of Proposal Published in Illinois Register: na (see Section 4.01 of The Illinois Administrative Procedure Act)
- 10) Has JCAR issued a Statement of Objections to these rules? na (see Section 4.01 of The Illinois Administrative Procedure Act)
- 11) Differences between proposal and final version: na
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? na (see Section 4.01 of The Illinois Administrative Procedure Act)
- 13) Will this Rule replace an emergency rule currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.

## OFFICE OF PUBLIC COUNSEL

## NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: The Rules describe the Agency's organization, set out the Agency's rulemaking procedures, and provide information about public access.

- 16) Information and questions regarding these adopted rules shall be direct to:

Stephen Fogel  
Office of Public Counsel  
State of Illinois Center  
100 West Randolph Street  
Suite 11-300  
Chicago, Illinois 60601  
(312) 814-3903

The full text of the Adopted Rules begins on the next page:

## OFFICE OF PUBLIC COUNSEL

## NOTICE OF ADOPTED RULES

**TITLE 2: GOVERNMENTAL ORGANIZATION**  
**SUBTITLE E: MISCELLANEOUS STATE AGENCIES**  
**CHAPTER XLVI: OFFICE OF PUBLIC COUNSEL**

**PART 2700**  
**ORGANIZATION, RULEMAKING, AND PUBLIC ACCESS**

**Section**  
**2700.10** Definitions and Abbreviations  
**2700.13** Agency's Powers and Duties  
**2700.15** Rulemaking  
**2700.20** Distribution of Rules  
**2700.25** Office Location  
**2700.26** Office Hours for Public Access  
**2700.27** Agency Clerk and Official Custodian of Files  
**2700.Appendix A** Organizational Chart

**AUTHORITY:** Implementing The Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.) and The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01), and authorized by The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 11-205).

**SOURCE:** Adopted at 14 Ill. Reg. 11982 , effective July 10, 1990.

**Section 2700.10 Definitions and Abbreviations**

The following definitions and abbreviations are applicable in the Office of Public Counsel's rules:

- a) "The OPC" or "OPC" or "the Office" refers to the Office of Public Counsel that is created in Article XI of The Public Utilities Act ("the PUA")(Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 11-101 et seq.).
- b) "The Public Counsel" refers to the person who is appointed as the Public Counsel under Illinois Revised Statutes 1987, chapter 111 2/3, paragraph 11-202.

**Section 2700.13 Agency's Powers and Duties**

The Office of Public Counsel is created by Article XI of the PUA. The Office has the power and duty to intervene in and to initiate proceedings before the Illinois Commerce Commission, or federal agencies, and Illinois and federal courts to promote or

## OFFICE OF PUBLIC COUNSEL

## NOTICE OF ADOPTED RULES

protect the rights and interests of all Illinois citizens, customer classes, and users of electric, gas, water and sewer, and telecommunication services.

**Section 2700.15 Rulemaking**

Any interested person may file a petition that requests that the OPC adopt, amend, or repeal a rule. The petition shall be filed with the agency clerk. Each petition shall set forth the petitioner's interest in the subject matter, the specific rule, amendment, or repeal that is requested, and the reasons in support of the request. Within 30 days of receiving the petition, the Public Counsel either shall deny the petition, giving a written explanation for the denial, or shall initiate rulemaking proceedings by publishing a notice of proposed rulemaking in the Illinois Register. If, within 30 days of the OPC's receipt of a petition, the Public Counsel has not acted upon the petition, then the petition shall be considered denied.

**Section 2700.20 Distribution of Rules**

- a) The OPC's Springfield and Chicago offices will each have a certified copy of the OPC's rules. Any person may obtain a copy of the OPC's rules by making a request to the Deputy Public Counsel or Public Counsel.
- b) In addition to the rules published in the Illinois Register and the Illinois Administrative Code, the OPC has internal regulations on financial and ethical restrictions, general personnel regulations, affirmative action, travel regulations, and financial services. Any person may obtain a copy of the internal regulations by making a request to the Deputy Public Counsel or the Public Counsel.

**Section 2700.25 Office Location**

The OPC maintains two offices:

- a) Office of Public Counsel  
528 South Fifth Street  
Suite 212  
Springfield, Illinois 62701  
(217) 785-7687

## OFFICE OF PUBLIC COUNSEL

## NOTICE OF ADOPTED RULES

- b) Office of Public Counsel  
State of Illinois Center  
100 West Randolph Street  
Suite 11-300  
Chicago, Illinois 60601  
(312) 814-3903

**Section 2700.26 Office Hours for Public Access**

- a) The Springfield office is open from 9 a.m. through 5 p.m. on Monday through Friday, except for legal holidays and other days declared by the Public Counsel.
- b) The Chicago office is open from 8:30 a.m. through 5 p.m. on Monday through Friday, except for legal holidays and other days declared by the Public Counsel.

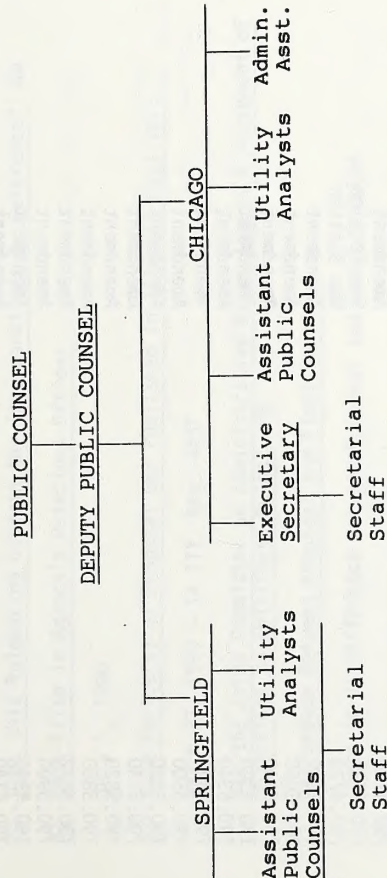
**Section 2700.27 Agency Clerk and Official Custodian of Files**

The Deputy Public Counsel, who is located in the Chicago office, is the OPC's clerk and the official custodian of the OPC's files. All official correspondence should be directed to the Chicago office:

Clerk  
Office of Public Counsel  
State of Illinois Center  
100 West Randolph Street  
Suite 11-300  
Chicago, Illinois 60601  
(312) 814-3903

OFFICE OF PUBLIC COUNSEL  
NOTICE OF ADOPTED RULES

Section 2700.APPENDIX A OFFICE OF PUBLIC COUNSEL ORGANIZATIONAL CHART



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

The Illinois Formulary for the Drug Product Selection Program

2) Code Citation:

77 Ill. Adm. Code 790

3) Section Numbers:

<u>Section Numbers:</u>	<u>Adopted Action:</u>
790.80	Amendment
790.500	Amendment
790.548	Amendment
790.620	Amendment
790.740	Amendment
790.860	Amendment
790.900	Amendment
790.1060	Amendment
790.1300	Amendment
790.1420	Amendment
790.1660	Amendment
790.1686	Amendment
790.1700	Amendment
790.1740	Amendment
790.1858	Amendment
790.1950	New Section
790.2097	Amendment
790.2260	Amendment
790.2380	Amendment
790.2460	New Section
790.2462	Amendment
790.2500	Amendment
790.2540	Amendment
790.2580	Amendment
790.2603	Amendment
790.2614	Amendment
790.2618	Amendment
790.2661	Amendment
790.2662	New Section
790.2780	Amendment
790.3025	Amendment
790.3032	Amendment
790.3033	Amendment
790.3049	Amendment
790.3051	Amendment
790.3140	Amendment
790.3300	Amendment

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.3492	Amendment
790.3540	Amendment
790.3742	Amendment
790.3910	Amendment
790.3940	Amendment
790.3945	Amendment
790.4060	Amendment
790.4180	Amendment
790.4220	Amendment
790.4384	Amendment
790.4396	Amendment
790.4430	Amendment
790.4580	Amendment
790.4660	Amendment
790.4665	Amendment
790.4667	Amendment
790.4670	Amendment
790.4700	Amendment
790.4725	Amendment
790.4728	Amendment
790.5020	Amendment
790.5060	Amendment
790.5140	Amendment
790.5300	Amendment
790.5340	Amendment
790.5420	Amendment
790.5500	Amendment
790.5620	Amendment
790.5740	Amendment
790.5820	Amendment
790.5860	Amendment
790.5872	Amendment
790.5900	Amendment
790.5940	Amendment
790.6140	Amendment
790.6180	Amendment
790.6570	Amendment
790.6580	Amendment
790.6620	Amendment
790.6621	Amendment
790.6621	Amendment
790.6780	Amendment
790.6820	Amendment
790.6940	Amendment
790.6980	Amendment
790.7100	Amendment
790.7120	Amendment
790.7140	Amendment

4) Statutory Authority:

Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 4145).



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

790.6670	Amendment	14 111. Reg. 9357
790.7260	Amendment	14 111. Reg. 9357
790.7265	Amendment	14 111. Reg. 9357
790.7278	Amendment	14 111. Reg. 9357
790.7280	Amendment	14 111. Reg. 9357
790.7340	Amendment	14 111. Reg. 9357
790.7380	Amendment	14 111. Reg. 9357
790.7400	Amendment	14 111. Reg. 9357
790.7500	Amendment	14 111. Reg. 9357
790.7700	Amendment	14 111. Reg. 9357
790.7940	Amendment	14 111. Reg. 9357
790.8020	Amendment	14 111. Reg. 9357
790.8136	Amendment	14 111. Reg. 9357
790.8180	Amendment	14 111. Reg. 9357
790.8248	New Section	14 111. Reg. 9357
790.8420	Amendment	14 111. Reg. 9357
790.8710	New Section	14 111. Reg. 9357
790.8980	Amendment	14 111. Reg. 9357
790.9084	Amendment	14 111. Reg. 9357
790.9460	Amendment	14 111. Reg. 9357

## 15) Summary and Purpose of Rules:

The Department proposes to amend various sections of the Illinois Formulary for the Drug Product Selection Program. These rules are promulgated on the basis of changes in the Food and Drug Administration's recommendation of these drug entities for Drug Product Selection. These changes were published in the Eleventh Edition of the Illinois Formulary. In accordance with the provisions of Public Act 85-451, these changes were published in the Illinois Register as emergency amendments, effective March 9, 1990.

## 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

## PART 790

## THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

## SUBPART A: GENERAL PROVISIONS

SECTION	Introduction
790.20	Consideration of Drug Products for Inclusion in the Illinois Formulary
790.40	Additional Criteria
790.60	Quality Listing
790.80	Generic Drug Entity Headings
790.100	Comments and Specific Administration
790.120	Requests for Additional Copies
790.140	Prescription Use of Drug Products
790.160	FDA Drug Product Approval and Recommendation
790.180	Availability of Drug Products;
790.200	Pharmaceutical Equivalence
790.220	Single Source Drug Products Exclusion
790.240	Criteria for Exclusion of Drug Products
790.260	Inclusion of Controlled Substances
790.280	Equivalence of Products Requirements
790.300	Selection of Equivalent Drug Products
790.320	Transfer of Prescription Records

SUBPART B: APPROVED DRUG PRODUCTS FOR  
DRUG PRODUCT SELECTION

SECTION	ACETAMINOPHEN; BUTALBITAL
790.420	ACETAMINOPHEN; BUTALBITAL; CAFFEINE
790.460	ACETAMINOPHEN; CAFFEINE; DIHYDROCODEINE BITARTRATE
790.480	ACETAMINOPHEN; CODEINE PHOSPHATE
790.500	ACETAMINOPHEN; HYDROCODONE BITARTRATE
790.540	EMERGENCY
790.548	ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE
790.580	ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE
790.600	ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE
790.620	ACETAZOLAMIDE
790.630	SODIUM
790.660	ACETIC ACID, GLACIAL

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.700 ACETIC ACID, GLACIAL; HYDROCORTISONE  
 790.706 ACETOHEXAMIDE  
 790.721 ACETYLCYSTEINE  
 EMERGENCY  
 790.740 ALBUTEROL SULFATE  
 EMERGENCY  
 790.756 ALCOHOL; DEXTROSE  
 790.780 ALLOPURINOL  
 790.788 AMANTADINE HYDROCHLORIDE  
 EMERGENCY  
 790.798 AMILORIDE HYDROCHLORIDE  
 790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE  
 790.815 AMINOACETIC ACID (Repeated)  
 790.820 AMINOCAPROIC ACID  
 790.860 AMINOPHYLLINE  
 EMERGENCY  
 790.900 AMITRIPTYLINE HYDROCHLORIDE  
 790.905 AMITRIPTYLINE HYDROCHLORIDE; CHLORDIAZEPOXIDE  
 790.910 AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE  
 790.920 AMOXAPINE  
 790.940 AMOXICILLIN TRIHYDRATE  
 790.974 AMPHOTERICIN B  
 790.980 AMPICILLIN SODIUM  
 790.1020 AMPICILLIN; PROBENECID  
 790.1060 AMPICILLIN/AMPCILLIN TRIHYDRATE  
 790.1100 ANISOTROPINE METHYLBROMIDE (Repeated)  
 790.1120 ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; DEXPANTHENOL;  
 ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE  
 HYDROCHLORIDE; RIBOFLAVIN PHOSPHATE SODIUM; THIAMINE  
 HYDROCHLORIDE; VITAMIN A; VITAMIN E  
 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; IRON; NICOTINIC ACID;  
 PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;  
 VITAMIN A; VITAMIN D; VITAMIN E  
 790.1125 VITAMIN A; VITAMIN D; VITAMIN E  
 ASCORBIC ACID; FLUORIDE; IRON; VITAMIN A; VITAMIN D  
 790.1131 ASCORBIC ACID; FLUORIDE; VITAMIN A; VITAMIN D  
 790.1140 ASPIRIN; BUTALBITAL; CAFFEINE  
 790.1180 ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repeated)  
 790.1200 ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE  
 790.1220 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE  
 (Repeated)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.1260 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE  
 (Repeated)  
 790.1300 ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE  
 790.1345 ASPIRIN; CARISOPRODOL  
 790.1360 ASPIRIN; METHOCARBAMOL  
 790.1380 ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE  
 790.1386 ASPIRIN; OXYCODONE HYDROCHLORIDE  
 790.1418 ATROPINE  
 790.1420 ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE  
 790.1423 ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE  
 HYDROBROMIDE  
 790.1425 ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE  
 790.1440 AZATHIOPRINE SODIUM  
 790.1460 BACITRACIN  
 EMERGENCY  
 790.1490 BACITRACIN ZINC; HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B  
 SULFATE  
 790.1500 BACITRACIN ZINC; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
 790.1540 BACITRACIN ZINC; POLYMYXIN B SULFATE  
 790.1560 BACLOFEN  
 790.1570 BENZTROPINE MESYLATE  
 790.1577 BETAMETHASONE DIPROPIONATE  
 EMERGENCY  
 790.1580 BETAMETHASONE SODIUM PHOSPHATE  
 790.1620 BETAMETHASONE VALERATE  
 790.1660 BETHANECHOL CHLORIDE  
 790.1685 BRETILUM TOSYLATE  
 790.1686 BRETILUM TOSYLATE; DEXTROSE  
 790.1697 BROMODIPHENHYDRAMINE HYDROCHLORIDE; CODEINE PHOSPHATE  
 790.1700 BROMPHENIRAMINE MALEATE  
 790.1706 BROMPHENIRAMINE MALEATE; CODEINE PHOSPHATE;  
 PHENYLPROPANOLAMINE HYDROCHLORIDE  
 790.1708 BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;  
 EMERGENCY PSEUDOEPHEDRINE HYDROCHLORIDE  
 790.1710 BROMPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE  
 790.1719 BUPIVACAINE HYDROCHLORIDE  
 EMERGENCY  
 790.1721 BUPIVACAINE HYDROCHLORIDE; EPINEPHRINE BITARTRATE  
 790.1740 BUTABARBITAL SODIUM  
 790.1780 CAFFEINE; CARISOPRODOL; PHENACETIN (Repeated)  
 790.1780 CAFFEINE; ERGOTAMINE TARTRATE  
 790.1820 CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM  
 790.1842 CHLORIDE; SODIUM LACTATE  
 790.1846 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE  
 790.1848 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM  
 CHLORIDE; SODIUM LACTATE  
 790.1856 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.1858 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE  
 790.1860 CALCIUM GLUCEPATE  
 790.1900 CANDICIDIN (Repealed)  
 790.1930 CARBAMAZEPINE  
 790.1940 CARBENICILLIN DISODIUM  
 790.1950 CARBINOXAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE; PSEUDOEPHEDRINE HYDROCHLORIDE  
 790.1980 CARISOPRODOL  
 790.2020 CEFADROXIL MONOHYDRATE  
 790.2060 CEFAZOLIN SODIUM  
 EMERGENCY  
 790.2084 CEFOTAXIME  
 790.2092 CEFUROXIME SODIUM  
 790.2097 CEPHALEXIN  
 790.2100 CEPHALOTHIN SODIUM  
 790.2130 CEPHAPIRIN SODIUM  
 790.2140 CEPHRADINE/CEPHRADINE DIHYDRATE  
 EMERGENCY  
 790.2155 CHLORAL HYDRATE  
 EMERGENCY  
 790.2180 CHLORAMPHENICOL  
 EMERGENCY  
 790.2220 CHLORAMPHENICOL SODIUM SUCCINATE  
 790.2260 CHLORDIAZEPOXIDE HYDROCHLORIDE  
 EMERGENCY  
 790.2300 CHLORMEZANONE (Repealed)  
 790.2340 CHLOROQUINE PHOSPHATE  
 790.2380 CHLOROTHIAZIDE  
 790.2390 CHLOROTHIAZIDE; METHYLDOPA  
 790.2420 CHLOROTRIANISENE  
 790.2460 CHLORPHENIRAMINE MALEATE  
 790.2462 CHLORPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE  
 790.2465 CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE; PHENYLPROPANOLAMINE HYDROCHLORIDE; PHENYLTOLOXAMINE CITRATE  
 790.2470 CHLORPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE  
 790.2500 CHLORPROPAMIDE  
 790.2510 CHLORPROPAMIDE  
 790.2540 CHLORTHALIDONE  
 EMERGENCY  
 790.2555 CHLORTHALIDONE; CLONIDINE HYDROCHLORIDE  
 790.2580 CHLORZOXAZONE  
 790.2583 CHROMIC CHLORIDE

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.2595 CITRIC ACID; MAGNESIUM OXIDE; SODIUM CARBONATE  
 790.2603 CLINDAMYCIN HYDROCHLORIDE  
 790.2605 CLINDAMYCIN PHOSPHATE  
 EMERGENCY  
 790.2613 CLOFIBRATE  
 790.2614 CLONIPHENE CITRATE  
 790.2617 CLONIDINE HYDROCHLORIDE  
 790.2618 CLORAZEPATE DIPOTASSIUM  
 790.2620 CLOTRIMAZOLE  
 790.2620 CLOXACILLIN SODIUM MONOHYDRATE  
 790.2660 CODEINE PHOSPHATE; GUAIFENESIN; PSEUDOEPHEDRINE HYDROCHLORIDE  
 790.2661 CODEINE PHOSPHATE; IODINATED GLYCEROL  
 790.2662 CODEINE PHOSPHATE; IODINATED GLYCEROL  
 EMERGENCY  
 790.2663 CODEINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE  
 790.2668 CODEINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE  
 790.2672 CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE  
 790.2700 CORTICOTROPIN  
 790.2740 CROTAMITON  
 790.2780 CYANOCOBALAMIN  
 EMERGENCY  
 790.2800 CYCLACILLIN  
 790.2805 CHCLOBENZAPRINE HYDROCHLORIDE  
 790.2820 CYCLOPENTOLATE HYDROCHLORIDE  
 EMERGENCY  
 790.2860 CYCLOPHOSPHAMIDE  
 EMERGENCY  
 790.2900 CYPROHEPTADINE HYDROCHLORIDE  
 790.2902 CYTARABINE  
 EMERGENCY  
 790.2904 DACARBAZINE  
 790.2908 DANAZOL  
 790.2928 DESIPRAMINE HYDROCHLORIDE (Repealed)  
 790.2932 DESONIDE  
 790.2940 DEXAMETHASONE  
 790.2980 DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
 790.3020 DEXAMETHASONE SODIUM PHOSPHATE  
 EMERGENCY  
 790.3021 DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE  
 790.3023 DEXCHLORPHENIRAMINE MALEATE  
 790.3025 DEXTROAMPHETAMINE SULFATE  
 790.3027 DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL  
 790.3028 DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE  
 790.3029 DEXTROSE

## DEPARTMENT OF PUBLIC HEALTH

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790.3030 DEXTROSE; DOPAMINE HYDROCHLORIDE  
 790.3032 DEXTROSE; HEPARIN SODIUM  
 790.3033 DEXTROSE; LIDOCAINE HYDROCHLORIDE  
 790.3038 DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE;  
 SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE  
 790.3042 DEXTROSE; POTASSIUM CHLORIDE  
 790.3048 DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE  
 790.3049 DEXTROSE; SODIUM CHLORIDE  
 790.3051 DEXTROSE; THEOPHYLLINE  
 790.3054 DIAZEPAM  
 790.3056 DIAZOXIDE  
 790.3060 DICLOXACILLIN SODIUM  
 790.3085 DICLOXIMINE HYDROCHLORIDE  
 790.3100 DIENESTROL  
 790.3140 DIETHYLPROPION HYDROCHLORIDE  
 790.3180 DIETHYLSTILBESTROL  
 790.3220 DIGOXIN  
 EMERGENCY  
 790.3260 DIMENHYDRINATE  
 790.3300 DIPHENHYDRAMINE HYDROCHLORIDE  
 790.3315 DISOPYRAMIDE PHOSPHATE  
 790.3335 DOPAMINE HYDROCHLORIDE  
 EMERGENCY  
 790.3340 DOXEPTIN HYDROCHLORIDE  
 EMERGENCY  
 790.3350 DOXORUBICIN HYDROCHLORIDE  
 790.3380 DOXYCYCLINE  
 790.3420 DOXYCYCLINE HYCLATE  
 790.3425 DOXYLAMINE SUCCINATE  
 790.3437 DROPERIDOL  
 EMERGENCY  
 790.3440 DROPERIDOL; FENTANYL CITRATE  
 790.3460 ECHOTHIOPHATE IODIDE (Repealed)  
 790.3472 EDETATE DISODIUM  
 790.3475 EDROPHONIUM CHLORIDE  
 790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE  
 790.3500 ERGOCALCIFEROL  
 790.3540 ERGOLOID MESYLATES  
 790.3580 ERGOTAMINE TARTRATE  
 790.3620 ERYTHROMYCIN  
 EMERGENCY  
 790.3660 ERYTHROMYCIN ESTOLATE  
 790.3700 ERYTHROMYCIN ETHYL SUCCINATE  
 790.3720 ERYTHROMYCIN ETHYL SUCCINATE; SULFISOXAZOLE ACETYL  
 790.3730 ERYTHROMYCIN LACTOBIONATE  
 790.3740 ERYTHROMYCIN STEARATE  
 790.3742 ERYTHROMYCIN STEARATE

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.3780 ESTRADIOL CYPIONATE  
 790.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE  
 790.3820 ESTRADIOL VALERATE  
 790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE  
 790.3900 ETHCHLORVYNOL  
 790.3907 ETHINYL ESTRADIOL; NORETHINDRONE  
 790.3910 FENOPROFEN CALCIUM  
 790.3920 FLOXURIDINE  
 790.3940 FLUOCINOLONE ACETONIDE  
 790.3945 FLUOCINONIDE  
 790.3960 FLUOROMETHOLONE  
 790.3980 FLUOROURACIL  
 790.3996 FLUPHENAZINE DECANOATE  
 790.4012 FLUPHENAZINE HYDROCHLORIDE  
 790.4020 FLURANDRENOLIDE  
 790.4040 FLURAZEPAM HYDROCHLORIDE  
 EMERGENCY  
 790.4060 FOLIC ACID  
 790.4100 FUROSEMIDE  
 790.4140 GENTAMICIN SULFATE  
 EMERGENCY  
 790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE  
 790.4173 GLUCAGON HYDROCHLORIDE  
 790.4180 GLUTETHIMIDE  
 790.4200 GLYCINE  
 790.4220 GLYCOPYRROLATE  
 790.4260 GONADOTROPIN CHORIONIC  
 790.4300 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
 790.4340 GRISEOFULVIN MICROCRYSTALLINE  
 790.4380 GRISEOFULVIN ULTRAMICROCRYSTALLINE  
 790.4384 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE  
 HYDROCHLORIDE  
 790.4386 GUANETHIDINE MONOSULFATE  
 790.4396 HALOPERIDOL  
 EMERGENCY  
 790.4398 HALOPERIDOL LACTATE  
 790.4420 HEPARIN SODIUM  
 EMERGENCY  
 790.4430 HEPARIN SODIUM; SODIUM CHLORIDE  
 790.4460 HEXACHLOROPHENE  
 EMERGENCY  
 790.4500 HOMATROPINE METHYLBROMIDE (Repealed)  
 790.4540 HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE  
 790.4580 HYDRALAZINE HYDROCHLORIDE  
 790.4620 HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE  
 790.4660 HYDROCHLOROTHIAZIDE  
 790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE  
 790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA  
 790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE  
 790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE  
 790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE  
 790.4725 HYDROCODONE BITARTRATE; PHENYLPROPANOLAMINE HYDROCHLORIDE  
 790.4728 HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE  
 790.4740 HYDROCORTISONE  
 EMERGENCY  
 790.4780 HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
 790.4820 HYDROCORTISONE; POLYMYXIN B SULFATE  
 790.4840 HYDROCORTISONE SODIUM PHOSPHATE  
 790.4860 HYDROCORTISONE; UREA  
 EMERGENCY  
 790.4900 HYDROCORTISONE ACETATE  
 790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE  
 EMERGENCY  
 790.4960 HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE  
 790.4963 HYDROCORTISONE ACETATE; UREA  
 790.4965 HYDROCORTISONE BUTYRATE  
 790.4980 HYDROCORTISONE SODIUM SUCCINATE  
 790.5020 HYDROFLUMETHIAZIDE  
 790.5060 HYDROXOCOBALAMIN  
 790.5100 HYDROXYPROGESTERONE CAPROATE  
 EMERGENCY  
 790.5140 HYDROXYZINE HYDROCHLORIDE  
 EMERGENCY  
 790.5180 HYDROXYZINE PAMOATE  
 EMERGENCY  
 790.5220 IBUPROFEN  
 790.5260 IDOXURIDINE  
 790.5300 IMIPRAMINE HYDROCHLORIDE  
 EMERGENCY  
 790.5312 INDOMETHACIN  
 790.5320 IODINATED GLYCEROL  
 EMERGENCY  
 790.5340 IRON DEXTRAN COMPLEX  
 790.5380 ISOETHARINE HYDROCHLORIDE  
 790.5420 ISONIAZID  
 EMERGENCY  
 790.5460 ISOPROTERENOL HYDROCHLORIDE  
 790.5483 ISOSORBIDE DINITRATE  
 790.5500 KANAMYCIN SULFATE  
 790.5520 KETAMINE HYDROCHLORIDE  
 790.5530 LABETALOL HYDROCHLORIDE  
 790.5540 LACTULOSE  
 790.5544 LEUCOVORIN CALCIUM  
 790.5555 LEVOCARNITINE

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790.5560 LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE  
 EMERGENCY  
 790.5580 LIDOCAINE  
 790.5620 LIDOCAINE HYDROCHLORIDE  
 EMERGENCY  
 790.5640 LINCOMYCIN  
 790.5660 LINDANE  
 790.5700 LIOTHYRONINE SODIUM  
 790.5720 LISINAPRIL  
 790.5740 LITHIUM CARBONATE  
 790.5780 LITHIUM CITRATE  
 790.5792 LORAZEPAM  
 790.5795 LOXAPINE SUCCINATE  
 790.5800 MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE;  
 SODIUM CHLORIDE; SODIUM GLUCONATE  
 MANNITOL  
 790.5802 MAPROTILINE HYDROCHLORIDE  
 790.5807 MECLIZINE HYDROCHLORIDE  
 EMERGENCY  
 790.5820 MECLOFENAMATE SODIUM  
 790.5835 MEDROXYPROGESTERONE ACETATE  
 790.5837 MEFENAMIC ACID (Repealed)  
 790.5840 MEGESTROL ACETATE  
 790.5860 MENADIOL SODIUM PHOSPHATE  
 790.5872 MEPIRIDINE HYDROCHLORIDE  
 790.5893 MEPIVICAINE HYDROCHLORIDE  
 790.5900 NEPROBAMATE  
 EMERGENCY  
 790.5924 MESTRANOL; NORETHINDRONE  
 790.5940 METAPROTERENOL SULFATE  
 790.5980 METARAMINOL BITARTRATE  
 790.5992 METHADONE HYDROCHLORIDE  
 790.5996 METHAMPHETAMINE HYDROCHLORIDE  
 790.6020 METHIDILAZINE HYDROCHLORIDE  
 790.6060 METHENAMINE HIPPURATE  
 790.6100 METHICILLIN SODIUM  
 790.6140 METHOCARBAMOL  
 790.6180 METHOTREXATE SODIUM  
 EMERGENCY  
 790.6220 METHSCOPOLAMINE BROMIDE  
 790.6260 METHYLCLOTHIAZIDE  
 790.6275 METHYLDOPA  
 790.6277 METHYLDOPATE HYDROCHLORIDE  
 EMERGENCY  
 790.6280 METHYLPHENIDATE HYDROCHLORIDE  
 790.6284 METHYLPREDNISOLONE  
 790.6300 METHYLPREDNISOLONE SODIUM SUCCINATE

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790.6340 METHYLTESTOSTERONE  
790.6370 METOCLOPRAMIDE HYDROCHLORIDE  
EMERGENCY  
790.6375  
790.6380 METOCURINE IODIDE  
790.6420 METOLAZONE  
790.6435 METRONIDAZOLE  
790.6445 MINOXIDIL  
790.6445 MORPHINE SULFATE  
790.6450 NAFACILLIN SODIUM  
EMERGENCY  
790.6452  
790.6454 NALBUPHINE HYDROCHLORIDE  
790.6456 NALIDIXIC ACID  
790.6460 NALOXONE HYDROCHLORIDE  
EMERGENCY  
790.6460 NANDROLONE DECANOATE  
EMERGENCY  
790.6480 NANDROLONE PHENPROPIONATE  
790.6500 NAPHAZOLINE HYDROCHLORIDE  
EMERGENCY  
790.6540 NEOMYCIN SULFATE  
EMERGENCY  
790.6544  
790.6570 NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
790.6580 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE  
NIACIN  
790.6610 NIFEDIPINE  
790.6620 NITROFURANTOIN  
790.6621 NITROFURANTOIN MACROCRYSTALS (Repealed)  
790.6660 NITROFURAZONE  
790.6670 NITROGLYCERIN INJECTION  
EMERGENCY  
790.6700 NORETHINDRONE ACETATE  
790.6740 NORTRIPTYLINE HYDROCHLORIDE  
790.6780 NYSTATIN  
790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE  
790.6820 ORPHENADRINE CITRATE  
790.6860 OXACILLIN SODIUM  
790.6875 OXAZEPAM  
790.6885 OXTRIPHYLLINE  
790.6895 OXYBUTYRIN  
790.6900 OXYPHENBUTAZONE (Repealed)  
790.6940 OXYTETRACYCLINE HYDROCHLORIDE  
790.6946 OXYTOCIN  
790.6960 PANCURONIUM BROMIDE  
790.6980 PENICILLIN G POTASSIUM  
790.7020 PENICILLIN G PROCAINE  
790.7060 PENICILLIN G SODIUM (Repealed)  
790.7100 PENICILLIN V POTASSIUM  
790.7120 PENTOBARBITAL SODIUM

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790.7130 PERPHENAZINE  
790.7140 PHENDIMETRAZINE TARTRATE  
790.7180 PHENTERMINE HYDROCHLORIDE  
790.7181 PHENTERMINE RESIN COMPLEX  
790.7220 PHENYLBUTAZONE (Repealed)  
790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE  
790.7229 PHENYTOIN SODIUM INJECTION  
790.7260 PIPERAZINE CITRATE  
EMERGENCY  
790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM  
EMERGENCY BICARBONATE; SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS  
790.7272 POLYMYXIN B SULFATE  
790.7278 POTASSIUM BICARBONATE  
EMERGENCY  
790.7280 POTASSIUM CHLORIDE  
EMERGENCY  
790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE  
790.7288 POTASSIUM GLUCONATE  
790.7291 PRALIDOXIME CHLORIDE  
790.7294 PRAZEPAM  
790.7296 PRAZOSIN HYDROCHLORIDE  
790.7300 PREDNISOLONE ACETATE  
790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM  
EMERGENCY  
790.7380 PREDNISOLONE SODIUM PHOSPHATE  
EMERGENCY  
790.7400 PREDNISONE  
EMERGENCY  
790.7420 PRIMIDONE  
790.7460 PROBENECID  
790.7500 PROCAINAMIDE HYDROCHLORIDE  
EMERGENCY  
790.7510 PROCAINE HYDROCHLORIDE  
790.7540 PROCHLORPERAZINE EDISYLATE  
790.7580 PROCHLORPERAZINE MALEATE  
790.7620 PROGESTERONE  
790.7660 PROMAZINE HYDROCHLORIDE  
790.7700 PROMETHAZINE HYDROCHLORIDE  
EMERGENCY  
790.7740 PROPANTHELINE BROMIDE  
790.7780 PROPARACAIN HYDROCHLORIDE  
790.7820 PROPOXYPHENE HYDROCHLORIDE  
790.7828 PROPANOLOL HYDROCHLORIDE  
790.7834 PROTAMINE SULFATE  
790.7860 PSEUDOPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE  
790.7900 PYRIDOSTIGMINE BROMIDE

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790.7940 EMERGENCY	PYRIDOXINE HYDROCHLORIDE
790.7980	PYRILAMINE MALEATE
790.8015	QUINIDINE GLUCONATE
790.8020	QUINIDINE SULFATE
790.8020 EMERGENCY	
790.8060	RESERPINE
790.8100	RIFAMPIN
790.8106	RITODRINE HYDROCHLORIDE
790.8136	SECOCARBITAL SODIUM
790.8140 EMERGENCY	
790.8180	SELENIUM SULFIDE
790.8180 EMERGENCY	SILVER SULFADIAZINE
790.8220	SODIUM AMINOSALICYLATE
790.8232	SODIUM CHLORIDE
790.8244	SODIUM LACTATE
790.8248 EMERGENCY	SODIUM NITROPRUSSIDE (Repealed)
790.8260	SODIUM POLYSTYRENE SULFONATE
790.8290	SOYBEAN OIL
790.8300	SPIRONOLACTONE
790.8340	STREPTOMYCIN SULFATE
790.8378	SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE
790.8380	SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA
790.8420 EMERGENCY	SULFACETAMIDE SODIUM
790.8460	SULFADIAZINE
790.8500	SULFAMETHIZOLE
790.8540	SULFAMETHOXAZOLE
790.8580	SULFAMETHOXAZOLE; TRIMETHOPRIM
790.8590	SULFANILAMIDE
790.8620	SULFASALAZINE
790.8660	SULFINPYRAZONE
790.8700	SULFISOXAZOLE
790.8710 EMERGENCY	SULINDAC
790.8724	TEMAZEPAM
790.8727	TERBUTALINE SULFATE
790.8740	TESTOSTERONE CYPIONATE
790.8780	TESTOSTERONE ENANTHATE
790.8820	TESTOSTERONE PROPIONATE
790.8860	TETRACYCLINE
790.8900	TETRACYCLINE HYDROCHLORIDE
790.8940	THEOPHYLLINE
790.8980 EMERGENCY	THIAMINE HYDROCHLORIDE

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790.9020	THIORIDAZINE HYDROCHLORIDE
790.9035	THIOETHYLENE
790.9045	THIOETHYLENE HYDROCHLORIDE
790.9048	TIMOLOL MALEATE
790.9050	TOBRAMYCIN SULFATE
790.9056	TOLAZAMIDE
790.9060	TOLBUTAMIDE
790.9084	TRAZODONE HYDROCHLORIDE
790.9100 EMERGENCY	
790.9100	TRIAMCINOLONE ACETONIDE
790.9140	TRIFLUOPRAZINE HYDROCHLORIDE
790.9180	TRIHENXYPHENIDYL HYDROCHLORIDE
790.9220	TRIMEPAZINE TARTRATE
790.9260	TRIMETHOBENZAMIDE HYDROCHLORIDE
790.9300	TRIMETHOPRIM
790.9320	TRIMIPRAMINE MALEATE
790.9340	TRIPLENNAMINE HYDROCHLORIDE
790.9380	TRIPROLIDINE HYDROCHLORIDE
790.9420	TRISULFAPYRIMIDINE
790.9460	TROPICAMIDE
790.9475 EMERGENCY	
790.9475	VALPROATE SODIUM
790.9478	VALPROIC ACID
790.9486	VANCOMYCIN HYDROCHLORIDE
790.9500	VERAPAMIL HYDROCHLORIDE
790.9520	VINBLASTINE SULFATE
790.9530	VINCRISTINE SULFATE
790.9540	VITAMIN A
790.9580	VITAMIN A PALMITATE
790.9620	WATER FOR INJECTION, STERILE
790.9660	WATER FOR IRRIGATION, STERILE
790.9800	XYLOSE

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4145).

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 18, 1978; emergency amendment at 3 Ill. Reg. 2, p. 18, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum

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of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982; amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16924, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8814, effective May 15, 1986; amended at 11 Ill. Reg. 3565, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1984, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988, emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 13255, effective August 5, 1988, for a maximum of 150 days; emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 856, effective January 6, 1989; emergency amendment at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13 Ill. Reg. 12909; emergency amendment at 13 Ill. Reg. 12990, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19770, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 1505 effective January 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3184, effective February 16, 1990; emergency amendment at 14 Ill. Reg. 4620, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8154, effective May 11, 1990; emergency amendment at 14 Ill. Reg. 9556, effective June 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 11988, effective July 13, 1990.

AGENCY NOTE: The text of Sections 790.740, 790.860, 790.2260, 790.2540, 790.2662, 790.2780, 790.4396, 790.5140, 790.5300, 790.5420, 790.5620, 790.5820, 790.5900, 790.6180, 790.7260, 790.7278, 790.7280, 790.7400,

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790.7500, 790.7700, 790.8020, 790.8136 and 790.9084 which appear below do not include the emergency amendments adopted at 14 Ill. Reg. 9556, effective June 1, 1990 for a maximum of 150 days. The copies filed with the Administrative Code Unit reflect both emergency rules.

## SUBPART A: GENERAL PROVISIONS

## Section 790.80 Quality Listing

a) The Illinois Formulary is a quality listing of generically equivalent drug products approved for marketing and is based upon the criteria as found in these Rules and Regulations. The listing is not affected by costs or by current or pending litigation against a particular drug product. As an aid to users of the formulary, an informational footnote will be placed with an entity listing whenever the Department receives substantive evidence of litigation involving the product(s). Products will be deleted from the formulary listing whenever FDA regulatory processes or other legal action results in a loss of the product's marketing approval or availability.

b) The names of application holders who are known to be solely repackers will be enclosed in parentheses for the information of the practitioner.

c) Products discontinued from marketing or products which have their approval withdrawn for reasons other than safety and efficacy, will be noted by the symbol "Q" preceding the dosage form. This symbol designates their non-marketed status and notifies practitioners that the specific manufacturer's product may be in short supply. The "Q" notation does not change the drug product selection status of the drug entity. Products approved and listed for interchange may be used until their supply is exhausted.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

## Section 790.500 ACETAMINOPHEN; CODEINE PHOSPHATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Acetaminophen;	cap 300 mg; 30, 60mg	Lemmon
Codeine Phosphate	elix 120mg/5ml; 12mg/5ml	National Pharm/Barre
	elix 120mg/5ml; 12mg/5ml	Pharm Assoc/Beach
	elix 120mg/5ml; 12mg/5ml	Pharmaceutical Basics

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elix 120mg/5ml; 12mg/5ml  
 susp 120mg/5ml; 12mg/5ml  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 30mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 30, 60mg  
 tab 300mg; 30, 60mg  
 @ — tab 300mg; 15, 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 30mg  
 tab 300mg; 30, 60mg  
 tab 325mg; 15mg  
 tab 300mg; 30mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 30, 60mg  
 tab 300mg; 30mg  
 tab 650mg; 30mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 @ — tab 300mg; 15, 30, 60mg  
 tab 300mg; 30, 60mg  
 tab 300mg; 30mg  
 tab 300mg; 15, 30, 60mg  
 tab 500mg; 15, 30, 60mg  
 tab 325mg; 30mg  
 tab 300mg; 15, 30, 60mg  
 @ — tab 300mg; 15, 30, 60mg  
 tab 300mg; 30, 60mg  
 @ — tab 300mg; 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 30, 60mg  
 @ — tab 300mg; 30, 60mg  
 tab 300mg; 15, 30, 60mg  
 tab 300mg; 30, 60mg  
 Brand(s)  
 Phenaphen No. 3  
 w/Codeine  
 Proval No. 3  
 Tylenol w/Codeine #3, #4  
 Tylenol w/Codeine  
 Capital w/Codeine  
 Capital w/Codeine  
 Empracet w/Codeine #3, #4  
 Papa-Deine #3, #4  
 Phenaphen-650  
 w/Codeine  
 Tylenol w/Codeine  
 No's 2, 3, 4  
 Tylenol w/Codeine  
 No's 2, 3

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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## Section 790.548 ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Acetaminophen; Oxycodone HCl Brand(s)	cap 500mg; 5mg tab 325mg; 5mg	Halsey Barr
Tylox	cap 500mg; 5mg	McNeil
Oxycet	tab 325mg; 5mg	Halsey
Oxycodone 5/APAP 500	@ tab 500mg; 5mg	DuPont
Percocet	tab 325mg; 5mg	DuPont
Roxicet	tab 325mg; 5mg	Roxane
Roxicet 5/500	tab 500mg; 5mg	Roxane

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.620 ACETAZOLAMIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Acetazolamide	@ tab 250mg tab 250mg	(Ascot) Bolar
	tab 250mg	Danbury
	tab 250mg	Lannett
	tab 125, 250mg	Mutual
	@ tab 250mg	(Vangard/MWM)
Brand(s)		
Diamox	tab 125, 250mg	Lederle/Am Cyanamid

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.740 ALBUTEROL SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Albuterol Sulfate	tab eq 2, 4mg base*	American Therapeutics
	tab eq 2, 4mg base*	Biocraft
	tab eq 2, 4mg base*	Cord
	tab eq 2, 4mg base*	Mutual
	tab eq 2, 4mg base*	Sidmak
Brand(s)		
Proventil	soln for inh eq 0.5% base	Schering
Ventolin	soln for inh eq 0.5% base	Glaxo
Proventil	syr eq 2mg base/5ml	Schering

VENTOLIN

Proventil

Ventolin

syr eq 2mg base/5ml

tab eq 2.4mg base\*

tab eq 2.4mg base\*

Glaxo

Schering

Glaxo

\*Delayed-effective-date--Brand-products-are-protected-by-patent-and-are-not

eligible-for-drug-product-selection-until-December-5,-1989.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.860 AMINOPHYLLINE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Aminophylline	inj 25mg/ml	Abbott
	inj 25mg/ml	Beecham
	inj 25mg/ml	Bristol/B-M
	inj 25mg/ml	Elkins-Sinn/Robins
	inj 25mg/ml	IMS
	inj 25mg/ml	Luitpold
	inj 25mg/ml	LyphoMed
	inj 25mg/ml	Natcon
	inj 25mg/ml	Solopak
	inj 25mg/ml	Torigian
	soln, oral 105mg/5ml	National Pharm/Barre
	soln, oral 105mg/5ml	Pharmaceutical Basics
	soln, oral 105mg/5ml	Roxane
	tab 100,200mg	Cord
	tab 100,200mg	Duramed
	tab 100,200mg	Roxane
	tab 100,200mg	(Vanguard/MMM)
	tab 100,200mg	West-Ward
	@ tab 100,200mg	
	inj 25mg/ml	Searle
	soln, oral 105mg/5ml	Fisons
	soln, oral 105mg/5ml	Fisons
	tab 100,200mg	Searle

Brand(s)

Aminophyllin

Somophyllin

Somophyllin-DF

Aminophyllin

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.900 AMITRIPTYLINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Amitriptyline Hydrochloride	inj 10mg/ml	Steris
	tab 10,25,50,75,100,150mg	Barr

BIOCRRAFT

Chelsea

Cord

Danbury

Lederle/Am Cyanamid

Lenmon

MD Pharmaceutical

Mutual

Mylan

Pharmaceutical Basics

Purepac/Kalipharma

Roxane

Sidmak

Superpharm

(Vanguard/MMM)

Warner-Chilcott/W-L

MSD/Merck

Squibb

Parke-Davis/W-L

MSD/Merck

Hoffmann-LaRoche

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.1060 AMPICILLIN/AMPICILLIN TRIHYDRATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Ampicillin/Ampicillin Trihydrate	cap	Biocraft
	cap	Cionmel Chemicals
	cap	Copanos
	@ cap	Lederle/Am Cyanamid
	@ cap	Mylan
	cap	Purepac/Kalipharma
	@ cap	Vitarine
	@ cap	Zenith
	cap	Biocraft
	cap	Cionmel
	cap	Copanos
	cap	Mylan
	cap	Purepac/Kalipharma
	cap	Parke-Davis/W-L
	cap	Wyeth Ayerst/AMHO
	cap	Wyeth Ayerst/AMHO

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Pfizerpen-A	cap	Pfizer
Polycillin	cap	Bristol/B-M
Principen	cap	Squibb
Totacillin	cap	Beecham
Amcill	pwdr for susp	Parke-Davis/W-L
Omnipen	pwdr for susp	Wyeth Ayerst/AMHO
Penbritin	pwdr for susp	Wyeth Ayerst/AMHO
Pfizerpen-A	pwdr for susp	Pfizer
Polycillin	pwdr for susp	Bristol/B-M
Principen	pwdr for susp	Squibb
Totacillin	pwdr for susp	Beecham

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.1300 ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE

(PROPOXYPHENE HYDROCHLORIDE COMPOUND)\*\*  
Propoxyphene Hydrochloride in Powder Form

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Aspirin; Caffeine; Propoxyphene HCl	@ cap 389mg; 32.4mg; 65mg — cap 389mg; 32.4mg; 65mg cap 389mg; 32.4mg; 65mg cap 389mg; 32.4mg; 65mg cap 389mg; 32.4mg; 65mg	Chelsea Cord Lemmon Vitarine Zenith
Brand(s) Compound 65 Darvon Compound-65	@ cap 389mg; 32.4mg; 65mg — cap 389mg; 32.4mg; 65mg	Banmax Lilly

\*\*Drug product selection should be made only from pharmaceutically equivalent products within an entity sub-heading.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.1420 ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Atropine Sulfate; Diphenoxylate HCl	liq 0.025mg/5ml; 2.5mg/5ml @ — tab 0.025mg; 2.5mg — tab 0.025mg; 2.5mg tab 0.025mg; 2.5mg tab 0.025mg; 2.5mg	Roxane (Ascot) Barr Boots Chelsea Heather

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	tab 0.025mg; 2.5mg	ICN
	tab 0.025mg; 2.5mg	Inwood/Forest
	tab 0.025mg; 2.5mg	KV Pharmaceutical
@ —	tab 0.025mg; 2.5mg	Lederle/Am Cyanamid
	tab 0.025mg; 2.5mg	Mylan
	tab 0.025mg; 2.5mg	Parke-Davis/W-L
@ —	tab 0.025mg; 2.5mg	Pharmaceutical Basics
	tab 0.025mg; 2.5mg	Pharmafair
	tab 0.025mg; 2.5mg	Private Formulations
	tab 0.025mg; 2.5mg	Roxane
	tab 0.025mg; 2.5mg	Vitarine
	tab 0.025mg; 2.5mg	West-Ward
	tab 0.025mg; 2.5mg	Zenith
Brand(s)		
Colonaide	liq 0.025mg/5ml; 2.5mg/5ml	Wallace
Lomaxate	liq 0.025mg/5ml; 2.5mg/5ml	National Pharm/Barre
Lomotil	liq 0.025mg/5ml; 2.5mg/5ml	Searle
Colonaide	tab 0.025mg; 2.5mg	Wallace/C-W
Di-Atro	tab 0.025mg; 2.5mg	MD Pharmaceutical
Lo-Trol	tab 0.025mg; 2.5mg	{Vanguard/MMH}
Lofene	tab 0.025mg; 2.5mg	Lannett
Logen	tab 0.025mg; 2.5mg	Superpharm
Lomotil	tab 0.025mg; 2.5mg	Searle
Lomoxate	tab 0.025mg; 2.5mg	Cord
Lo-Trol	tab 0.025mg; 2.5mg	{Vanguard/MMH}
Low-Quel	tab 0.025mg; 2.5mg	Halsey

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.1660 BETHANECHOL CHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Bethanechol Chloride	inj 5mg/ml @ tab 10.25mg — tab 5, 10, 25, 50mg @ — tab 5, 10, 25mg tab 5, 10, 25, 50mg tab 5, 10, 25mg tab 5, 10, 25, 50mg tab 5, 10, 25mg	Quad (Ascot) Bolar Chelsea Danbury Lannett Sidmak Vitarine Zenith
Brand(s) Urecholine Duvoid Myotonachol	inj 5mg/ml tab 10.25, 50mg tab 5, 10, 25mg	MSD/Merck Norwich-Eaton/P&G Glenwood





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## Section 790.2380 CHLOROTHIAZIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorothiazide	tab 250, 500mg tab 250mg tab 250, 500mg tab 250mg @ tab 250, 500mg - tab 250, 500mg tab 250, 500mg	Bolar Camall Chelsea Danbury Lederle/Am Cyanamid Mylan West-Ward
Brand(s) Diuril	tab 250, 500mg	MSD/Merck

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.2460 CHLORPHENIRAMINE MALEATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorpheniramine Maleate	inj 10mg/ml @ inj 10mg/ml inj 10mg/ml inj 10, 100mg/ml	Bel-Mar Elkins-Sinn/Robins Lemmon Steris
Brand(s) Chlor-Trimeton Pyridamal 100	inj 10, 100mg/ml inj 100mg/ml	Schering Bel-Mar

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.2462 CHLORPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PSEUDOEPHEDRINE  
HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorpheniramine Maleate; Codeine Phosphate; Pseudoephedrine Hydrochloride	inj 10mg/5ml; 10mg/5ml; 30mg/5ml	Pharmaceutical Basics
Dihistine DH Elixir	syrr 2mg/5ml; 10mg/5ml; 30mg/5ml	National Pharm/Barre
Novahistine DH Liquid	syrr 2mg/5ml; 10mg/5ml; 30mg/5ml	Merrell Dow

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Ryna C Liquid  
syrr 2mg/5ml; 10mg/5ml;  
30mg/5ml  
Wallace

\*This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Added at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.2500 CHLORPROMAZINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorpromazine Hydrochloride	conc 100mg/ml conc 30, 100mg/ml inj 25mg/ml inj 25mg/ml inj 25mg/ml inj 25mg/ml inj 25mg/ml @ inj 25mg/ml - syrr 10mg/5ml	National Pharm/Barre Pharmaceutical Basics Elkins-Sinn/Robins Lemmon LyphoMed Squibb-Marsam Steris Wyeth Ayerst/AMHO National Pharm/Barre
Brand(s) Intensol Sonazine Thorazine Thorazine Sonazine Thorazine	conc 30, 100mg/ml conc 30, 100mg/ml conc 30, 100mg/ml inj 25mg/ml syrr 10mg/5ml syrr 10mg/5ml	Roxane Cord SKF SKF Cord SKF

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.2540 CHLORTHALIDONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chlorthalidone	tab 25, 50mg @ tab 25, 50mg tab 25, 50mg tab 25, 50mg tab 25, 50mg tab 25, 50mg tab 25, 50mg tab 25, 50mg tab 25, 50mg	Abbott (Ascot) Barr Bolar Chelsea Cord Danbury KV Pharmaceutical Lederle/Am Cyanamid

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tab 50mg  
tab 25,50mg  
tab 25,50mg  
tab 25,50mg  
tab 25,50mg  
tab 50mg  
tab 25,50mg  
tab 25,50mg  
tab 25,50mg  
tab 25,50mg  
@ - tab 25,50mg  
tab 25,50mg  
tab 25,50mg  
tab 25,50mg  
tab 25mg  
tab 25mg

Brand(s)  
Hygroton  
Thalitone

Lemmon  
Mutual  
Mylan  
Parke-Davis/W-L  
Pharmaceutical Basics  
Pioneer  
Purepac/Kalipharma  
Sidmak  
Superpharm  
(Vanguard/MMM)  
Vitarine  
Zenith  
Rorer  
Boehringer-Ingelheim

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.2580 CHLORZOXAZONE

DRUG

Chlorzoxazone

APPLICATION HOLDER,  
MANUFACTURER

## DOSAGE FORM, STRENGTH

tab 250mg  
tab 500mg  
@ - tab 250mg  
tab 250mg  
tab 250mg  
tab 500mg  
tab 250mg  
tab 250,500mg  
tab 500mg

## Brand(s)

Paraflex  
Parafon Forte DSC  
Strifon Forte DSC

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.2603 CLINDAMYCIN HYDROCHLORIDE

DRUG

Clindamycin  
Hydrochloride

APPLICATION HOLDER,  
MANUFACTURER

## DOSAGE FORM, STRENGTH

cap 75,150mg

Biocraft

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Brand(s)  
Cleocin

cap 75,150mg

Upjohn

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.2614 CLOMIPHENE CITRATE

DRUG

Clomiphene-Citrate  
Brand(s)  
Clomid  
Miltophene  
Serophene

DOSAGE FORM, STRENGTH

tab-50mg  
tab 50mg  
tab 50mg  
tab 50mg

APPLICATION HOLDER,  
MANUFACTURER

Plantex/ikapharm  
Merrell-Dow  
Millex  
Serono

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.2618 CLORAZEPATE DIPOTASSIUM

DRUG

Clorazepate Dipotassium

APPLICATION HOLDER,  
MANUFACTURER

## DOSAGE FORM, STRENGTH

cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
@ - cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
cap 3.75,7.5,15mg  
@ - tab 3.75,7.5,15mg  
tab 3.75,7.5,15mg  
tab 3.75,7.5,15mg  
tab 3.75,7.5,15mg  
tab 3.75,7.5,15mg

Able  
American Therapeutics  
Chelsea  
Cord  
Lederle/Am Cyanamid  
Mylan  
Pharmaceutical Basics  
Purepac/Kalipharma  
Quantum  
Searle  
Warner Chilcott/W-L  
Able  
American Therapeutics  
Lederle/Am Cyanamid  
Mylan  
Purepac/Kalipharma  
Warner Chilcott/W-L  
Watson

## Brand(s)

Gen-Xene  
Tranxene

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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Section 790.2661 CODEINE PHOSPHATE; GUAIFENESIN; PSEUDOEPHEDRINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Codeine Phosphate; Guaifenesin; Pseudoephedrine Hydrochloride Brand(s)	syr 10mg/5ml; 100mg/5ml; 30mg/5ml	Pharmaceutical Basics
Codafed Expectorant	syr 10mg/5ml; 100mg/5ml; 30mg/5ml	Hauk
Novahistine Expectorant	syr 10mg/5ml; 100mg/5ml; 30mg/5ml	Merrell Dow
Robitussin DAC Syrup	syr 10mg/5ml; 100mg/5ml; 30mg/5ml	AH Robins

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Added at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.2662 CODEINE PHOSPHATE; IODINATED GLYCEROL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Oridol C Tussi Organidin Tussi-R-gen Expectorant	liq 10mg/5ml; 30mg/5ml liq 10mg/5ml; 30mg/5ml liq 10mg/5ml; 30mg/5ml	LuChem Wallace Goldline

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Added at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.2780 CYANOCOBALAMIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cyanocobalamin	inj 30, 100, 1000mcg/ml inj 1000mcg/ml inj 100, 1000mcg/ml	Dell Elkins-Sinn/Robins Lemmon

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DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Luitpold Lyphomed Merrell-Dow Natcon Solopak Steris Wyeth Ayerst/AMHO	inj 30, 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml inj 30, 1000mcg/ml inj 1000mcg/ml inj 100, 1000mcg/ml inj 100, 1000mcg/ml	Abbott Abbott Abbott Abbott Abbott Abbott Abbott
Brand(s)		
Berubigen Betalin 12 Cobavite Dodecamin Redisol Rubivite Rubramin PC Ruvite Sytobex Vibisone Vi-Twel	inj 1000mcg/ml inj 100, 1000mcg/ml inj 100, 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml inj 30, 100, 1000mcg/ml inj 100, 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml inj 1000mcg/ml	Upjohn Lilly Lemmon Maurry MSD/Merck Bel-Mar Squibb Altana/Savage Parke-Davis/W-L Lyphomed Berlex/Schering

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.3025 DEXTROAMPHETAMINE SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dextroamphetamine Sulfate	tab 10mg tab 5, 10mg tab 5mg tab 5, 10mg @ tab 5, 10mg	Halsey Lannett MM Mast Rexar Vitarine
Brand(s)		
Dexedrine Ferndex	tab 5mg tab 5mg	SKF Ferndale

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.3032 DEXTROSE; HEPARIN SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dextrose; Heparin Sodium	inj 5gm/100ml; 200U/100ml inj 5gm/100ml; 4,000U/100ml inj 5gm/100ml; 5,000U/100ml @ inj 5gm/100ml; 10,000U/100ml	Abbott Abbott Abbott Abbott

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inj 5gm/100ml; 4,000U/100ml     Baxter  
inj 5gm/100ml; 200U/100ml     Kendall McGaw  
inj 5gm/100ml; 5,000U/100ml     Kendall McGaw  
inj 5gm/100ml; 10,000U/100ml     Kendall McGaw

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3033 DEXTROSE; LIDOCAINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
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Dextrose; Lidocaine Hydrochloride	inj 5gm/100ml; 200mg/100ml	Abbott
	inj 5gm/100ml; 400mg/100ml	Abbott
	inj 5gm/100ml; 800mg/100ml	Abbott
	inj 5gm/100ml; 7.5gm/100ml	Abbott
	inj 5gm/100ml; 200mg/100ml	Kendall McGaw
	inj 5gm/100ml; 400mg/100ml	Kendall McGaw
	inj 5gm/100ml; 800mg/100ml	Kendall McGaw
	inj 5gm/100ml; 200mg/100ml	Travenol
	inj 5gm/100ml; 400mg/100ml	Travenol
	inj 5gm/100ml; 800mg/100ml	Travenol

## Brand(s)

Xyllocaine w/Glucose	inj 5gm/100ml; 7.5gm/100ml	Astra
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(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3049 DEXTROSE; SODIUM CHLORIDE

Injection; in plastic container

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
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Dextrose; Sodium Chloride	inj 2.5gm/100ml (2.5%); 450mg/100ml (0.45%)	Abbott
	inj 5gm/100ml (5%)	Abbott
	300mg/100ml (0.3%)	Abbott
	inj 5gm/100ml (5%)	Abbott
	450mg/100ml (0.45%)	Abbott
	inj 5gm/100ml (5%)	Abbott
	900mg/100ml (0.9%)	Abbott
	inj 5gm/100ml (5%)	Cutter
	200mg/100ml (0.2%)	Cutter
	inj 5gm/100ml (5%)	Cutter
	300mg/100ml (0.3%)	Cutter
	inj 5gm/100ml (5%)	Cutter
	450mg/100ml (0.45%)	Cutter

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inj 5gm/100ml (5%); 900mg/100ml (0.09%)	Cutter
inj 2.5gm/100ml (2.5%); 450mg/100ml (0.45%)	Kendall McGaw
inj 5gm/100ml (5%); 200mg/100ml (0.2%)	Kendall McGaw
inj 5gm/100ml (5%); 330mg/100ml (0.33%)	Kendall McGaw
inj 5gm/100ml (5%); 450mg/100ml (0.45%)	Kendall McGaw
inj 5gm/100ml (5%); 900mg/100ml (0.09%)	Kendall McGaw
inj 10gm/100ml (10%); 900mg/100ml (0.9%)	Kendall McGaw
inj 2.5gm/100ml (2.5%); 450mg/100ml (0.45%)	Travenol
inj 5gm/100ml (5%); 200mg/100ml (0.2%)	Travenol
inj 5gm/100ml (5%); 330mg/100ml (0.33%)	Travenol
inj 5gm/100ml (5%); 450mg/100ml (0.45%)	Travenol
inj 5gm/100ml (5%); 900mg/100ml (0.9%)	Travenol
inj 10gm/100ml (10%); 900mg/100ml (0.9%)	Travenol

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3051 DEXTROSE; THEOPHYLLINE

## DRUG

Dextrose; Theophylline

## DOSAGE FORM, STRENGTH

inj 5g/100ml (5%); 40mg/100ml (0.04%)	Abbott
inj 5gm/100ml (5%); 80mg/100ml (0.08%)	Abbott
inj 5gm/100ml (5%); 160mg/100ml (0.16%)	Abbott
inj 5gm/100ml (5%); 200mg/100ml (0.2%)	Abbott
inj 5gm/100ml (5%); 400mg/100ml (0.4%)	Abbott
inj 5g/100ml (5%); 40mg/100ml (0.04%)	Kendall McGaw

APPLICATION HOLDER,  
MANUFACTURER



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Dibenil  
Diphen  
Hydramine  
Benadryl

elix 12.5mg/5ml  
@ elix 12.5mg/5ml  
elix 12.5mg/5ml  
inj 10.50mg/ml

HR Cenci  
Pharmaceutical Basics  
National Pharm/Barre  
Parke-Davis/W-L

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Epinephrine; Lidocaine Hydrochloride	inj 0.005mg/ml; 1%	Abbott
	inj 0.005mg/ml; 1.5%	Abbott
	inj 0.005mg/ml; 2%	Abbott
	inj 0.01mg/ml; 1%	Abbott
	inj 0.01mg/ml; 2%	Abbott
	inj 0.005mg/ml; 1.5%	Astra
	inj 0.01mg/ml; 1%	Bel-Mar
	inj 0.01mg/ml; 2%	Bel-Mar
	inj 0.01mg/ml; 1%	Dell
	inj 0.01mg/ml; 2%	Dell
	inj 0.01mg/ml; 1%	Elkins-Sinn/Robins
	inj 0.01mg/ml; 2%	Elkins-Sinn/Robins
	inj 0.01mg/ml; 1%	Graham
	inj 0.02mg/ml; 2%	Graham
	inj 0.01mg/ml; 1%	IMS
	inj 0.01mg/ml; 1%	Lemmon
	inj 0.01mg/ml; 1%	Steris
	inj 0.01mg/ml; 2%	Steris
	inj 0.01mg/ml; 2%	Carlisle
	inj 0.02mg/ml; 2%	Carlisle
	inj 0.01mg/ml; 2%	Pharmaton/SZ
	inj 0.02mg/ml; 2%	Pharmaton/SZ
	inj 0.01mg/ml; 2%	Novocol
	inj 0.02mg/ml; 2%	Novocol
	inj 0.005mg/ml; 1.5%	Astra
	inj 0.01mg/ml; 1%	Astra
	inj 0.01mg/ml; 2%	Astra
	inj 0.02mg/ml; 2%	Astra

Brand(s)  
Alphacaine HCl  
w/Epinephrine  
Alphacaine HCl  
w/Epinephrine  
Lidocaton  
Lidocaton  
Octocaine  
Octocaine  
Xylocaine w/Epinephrine  
Xylocaine w/Epinephrine  
Xylocaine w/Epinephrine  
Xylocaine w/Epinephrine

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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Section 790.3540 ERGOLOID MESYLATES  
(DIHYDROERGOTOXINE METHANESULFONATE)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Ergoloid Mesylates (Dihydroergotoxine Methanesulfonate)	tab, oral 1.0mg	Barr
	tab, oral 1.0mg	Bolar
	tab, oral 1.0mg	Chelsea
	tab, oral 1.0mg	Danbury
	tab, sub 0.5, 1.0mg	Barr
	tab, sub 0.5, 1.0mg	Bolar
	tab, sub 0.5, 1.0mg	Danbury
	tab, sub 0.5, 1.0mg	KV Pharmaceutical
	tab, sub 0.5, 1.0mg	Lederle/Am Cyanamid
	tab, sub 0.5, 1.0mg	Superpharm
	tab, sub 0.5, 1.0mg	Zenith
Brand(s)		
Hydergine	tab, oral 1.0mg	Sandoz
Alkergot	tab, sub 0.5, 1.0mg	Vitarine
Circanol	tab, sub 0.5, 1.0mg	Riker/3-M
Deapril-ST	tab, sub 1.0mg	Mead-Johnson
Gerimal	tab, sub 0.5, 1.0mg	Chelsea
H.E.A.	tab, sub 0.5, 1.0mg	(Vanguard/MWM)
Hydergine	tab, sub 0.5, 1.0mg	Sandoz

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3742 ERYTHROMYCIN STEARATE

(Bearing approved labeling which states that the tablets should be taken on an empty stomach)\*\*

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Erythromycin Stearate	tab	Purepac/Kalipharma
	tab	Zenith
Brand(s)		
Bristamycin	@ tab	Bristol/B-M
Erypar	@ tab	Parke-Davis/W-L
Ethril 250,500	@ tab	Squibb

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Pfizer-E @ tab

Pfizer

\*\*Drug product selection should be made only from products bearing the same type of approved labeling within an entity sub-heading.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3910 FENOPROFEN CALCIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Fenoprofen Calcium	cap 200,300mg	American Therapeutics
	cap 200,300mg	Cord
	cap 200,300mg	Halsey
	cap 200,300mg	Par
	cap 200,300mg	Watson
	tab 600mg	American Therapeutics
	tab 600mg	Chelsea
	tab 600mg	Cord
	tab 600mg	Danbury
	tab 600mg	Duramed
	tab 600mg	Halsey
	tab 600mg	Lederle/Am Cyanamid
	tab 600mg	Mytan
	tab 600mg	Par
Brand(s)	tab 600mg	Pharmaceutical Basics
	tab 600mg	Purepac/Kalipharma
	tab 600mg	Quantum
	tab 600mg	Watson
	tab 600mg	Zenith
	tab 600mg	
Nalfon	cap 200,300mg	Lilly/Dista
	tab 600mg	Lilly/Dista

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3940 FLUOCINOLONE ACETONIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Fluocinolone Acetonide	cream 0.01,0.025%	Altana/Fougere/ Pharmaderm
	cream 0.01%	Altana/Savage
	cream 0.01,0.025%	Clay-Park
	cream 0.01,0.025%	G & W Labs

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cream 0.01,0.025%  
cream 0.01,0.025%  
cream 0.01,0.025%  
oint 0.025%

Pharmaceutical Basics  
Pharmafair  
Thames  
Altana/Fougere/  
Pharmaderm

oint 0.025%  
oint 0.025%  
oint 0.025%  
oint 0.025%  
soln 0.01%

G & W Labs  
Pharmaceutical Basics  
Pharmaderm  
Pharmafair  
Altana/Fougere/  
Pharmaderm

soln 0.01%  
soln 0.01%  
soln 0.01%  
soln 0.01%  
soln 0.01%

National Pharm/Barre  
Pharmaceutical Basics  
Pharmaderm  
Pharmafair  
Thames

## Brand(s)

Fluocet  
Fluonid  
Fluotrex  
Synalar  
Synemol  
Fluonid  
Fluotrex  
Synalar  
Fluonid  
Fluotrex  
Synalar

NMC  
Herbert/Allergan  
Altana/Savage  
Syntex  
Syntex  
Herbert/Allergan  
Altana/Savage  
Syntex  
Herbert/Allergan  
Altana/Savage  
Syntex

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.3945 FLUOCINONIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Fluocinonide	cream 0.05%	Clay-Park
	cream 0.05%	Lemmon
	cream 0.05%	Thames
	gel 0.05%	Lemmon
	top soln, 0.05%	Lemmon
	top soln, 0.05%	National Pharm/Barre Thames
Brand(s)	cream 0.05%	Syntex
	cream 0.05%	Syntex
	cream 0.05%	Taro

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Vasoderm E cream 0.05% T-3-Reese Tican Pharm  
Lidex gel 0.05% Syntex  
Lidex top soln, 0.05% Syntex

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4060 FOLIC ACID

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Folic Acid	inj 5mg/ml	LyphoMed
	tab 1mg	Anabolic
	@ tab 1mg	Barr
	@ tab 1mg	Chelsea
	tab 1mg	Danbury
	tab 1mg	Halsey
	tab 1mg	ICN
	tab 1mg	Lannett
	tab 1mg	Lilly
	tab 1mg	MK Laboratories
	tab 1mg	Phoenix
	tab 1mg	Pharmaceutical Basics
	@ tab 1mg	Pioneer
	tab 1mg	Private Formulations
	tab 1mg	Purepac/Kalipharma
	tab 1mg	Richlyn
	tab 1mg	Stanlabs/Simpak
	tab 1mg	Tablicaps
	@ tab 1mg	Towne Paulsen
	@ tab 1mg	(Unit Dose Labs)
	@ tab 1mg	(Vanguard/MMM)
	tab 1mg	Vitarine
	tab 1mg	West-Ward
	tab 1mg	Zenith
Brand(s)		
Folvite	inj 5mg/ml	Lederle/Am Cyanamid
Folicet	tab 1mg	Mission
Folvite	tab 1mg	Lederle/Am Cyanamid

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4180 GLUTETHIMIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Glutethimide	tab 500mg	Chelsea

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tab 500mg Cord  
tab 500mg Danbury  
tab 250,500mg Halsey  
tab 250,500mg Lannett  
tab 500mg MD Pharmaceutical  
@ tab 500mg Vitarine

Brand(s)  
Doriden

tab 250,500mg Rorer

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4220 GLYCOPYRRROLATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Glycopyrrrolate	inj 0.2mg/ml	Abbott
	inj 0.2mg/ml	Luitpold
	inj 0.2mg/ml	LyphoMed
	inj 0.2mg/ml	Quad
	inj 0.2mg/ml	Steris
	tab 1.2mg	Bolar
	@ tab 2mg	Chelsea
	tab 1.2mg	Danbury
Brand(s)		
Robinul	inj 0.2mg/ml	Robins
Robinul Forte	tab 2mg	Robins
Robinul	tab 1mg	Robins

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4384 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Guaiifenesin; Hydrocodone	syr 200mg/5ml; 5mg/5ml; 60mg/5ml	Pharmaceutical Basics
Bitartrate; Pseudoephedrine		
Hydrochloride		
Brand(s)		
Detussin Expectorant	syr 200mg/5ml; 5mg/5ml; 60mg/5ml	National Pharm/Barre

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Tussend Expectorant       syr 200mg/5ml; 5mg/5ml; 60mg/5ml      Merrell Dow

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Added at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4396 HALOPERIDOL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Haloperidol	tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg tab 1.2, 5, 10, 20mg tab 0.5, 1, 2, 5mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg tab 0.5, 1, 2, 5, 10, 20mg	Barr Bolar Cord Danbury Duramed Invamed Lederle/Am Cyanamid Mylan Par Purepac/Kalipharma Quantum Roxane Royce Searle McNeil
Brand(s) Halidol	tab 0.5, 1, 2, 5, 10, 20mg	

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4430 HEPARIN SODIUM; SODIUM CHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Heparin Sodium; Sodium Chloride	@ inj 1000U/100ml; 900mg/100ml @ inj 5000U/100ml; 900mg/100ml inj 200U/100ml; 900mg/100ml inj 200U/100ml; 900mg/100ml inj 200U/100ml; 900mg/100ml @ inj 1000U/100ml; 900mg/100ml @ inj 5000U/100ml; 900mg/100ml inj 200U/100ml; 900mg/100ml	Abbott Abbott Baxter Kendall McGaw Kendall McGaw Kendall McGaw Travenol

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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## Section 790.4580 HYDRALAZINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydralazine Hydrochloride	inj 20mg/ml inj 20mg/ml @ tab 25, 50mg tab 25, 50mg tab 10, 25, 50, 100mg tab 10, 25, 50, 100mg tab 25, 50mg tab 10, 25, 50mg tab 25, 50mg tab 10, 25, 50, 100mg tab 25, 50mg tab 10, 25, 50mg tab 10, 25, 50, 100mg @ tab 25, 50mg tab 25, 50mg tab 10, 25, 50, 100mg tab 10, 25, 50, 100mg tab 25, 50mg tab 10, 25, 50, 100mg tab 25, 50mg tab 10, 25, 50, 100mg tab 25, 50mg tab 10, 25, 50, 100mg inj 20mg/ml tab 10, 25, 50, 100mg tab 25mg	LypMed Solopak (Ascot) Amide Barr Camall Chelsea Cord Danbury Halsey Lederle/Am Cyanamid Mutual Par Pharmaceutical Basics Purepac/Kalipharma Quantum Richlyn Sidmak Superpharm (Vanguard/MMM) Vitarine Zenith Ciba/Ciba-Geigy Ciba/Ciba-Geigy Lemmon

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4660 HYDROCHLOROTHIAZIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrochlorothiazide	soln 50mg/5ml soln 50mg/5ml tab 25, 50mg tab 25, 50, 100mg tab 25, 50, 100mg tab 25, 50mg tab 25, 50, 100mg @ tab 25, 50, 100mg	Pharmaceutical Basics Roxane (Ascot) Barr Bolar Boots Camall Chelsea

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BRAND(S)	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Esidrix	tab 25,50mg	Cord
Hydro-D	tab 50mg	Danbury
HydroDIURIL	tab 25,50mg	Heather
Oretic	tab 25,50,100mg	Inwood/Forest
Thiuretic	tab 25,50mg	Lederle/Am Cyanamid
Zide	tab 25,50mg	Lemmon
	@ tab 25,50mg	MM Mast
	@ tab 25,50mg	Mylan
	@ tab 25,50mg	Pharmaceutical Basics
	@ tab 25,50mg	Pharmafair
	@ tab 25,50mg	Private Formulations
	@ tab 25,50mg	Purepac/Kalipharma
	@ tab 25,50mg	Quantum
	@ tab 25,50mg	Reid-Rowell
	@ tab 25,50,100mg	Richlyn
	@ tab 25,50mg	Roxane
	@ tab 25,50,100mg	Superpharm
	@ tab 25,50,100mg	Towne Paulsen
	@ tab 25,50,100mg	(Vanguard/MMM)
	@ tab 25,50mg	Vitarine
	@ tab 25,50mg	Warner-Chilcott/W-L
	@ tab 25,50mg	West-Ward
	@ tab 25,50,100mg	Zenith
	@ tab 25,50,100mg	Ciba/Ciba-Geigy
	@ tab 25,50mg	Halsey
	@ tab 25,50,100mg	MSD/Merck
	@ tab 25,50mg	Abbott
	@ tab 25,50mg	Parke-Davis/W-L
	@ tab 50mg	Reid-Rowell

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE

BRAND(S)	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Normozide	tab 25mg;100mg	Schering
Normozide	tab 25mg;200mg	Schering
Normozide	tab 25mg;300mg	Schering
Normozide	@ tab 25mg;400mg	Schering
Trandate-HCT	tab 25mg;100mg	Glaxo
Trandate-HCT	tab 25mg;200mg	Glaxo
Trandate-HCT	tab 25mg;300mg	Glaxo
Trandate-HCT	@ tab 25mg;400mg	Glaxo

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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## Section 790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Brand(s)		
Prinzide 12.5*	tab 12.5mg;20mg	Merck/MSD
Prinzide 25*	tab 25mg;20mg	Merck/MSD
Zestoretic 20/25	tab 25mg;20mg	Imperial Chem

\*Products manufactured by this brand name manufacturer in this drug entity are available for drug product selection under other brand and/or generic names.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrochlorothiazide;		
Methyldopa		
	tab 15mg;250mg	Bolar
	tab 25mg;250mg	Bolar
	tab 30mg;500mg	Bolar
	tab 50mg;500mg	Bolar
	tab 15mg;250mg	Cord
	tab 25mg;250mg	Cord
	tab 30mg;500mg	Cord
	tab 50mg;500mg	Cord
	tab 15mg;250mg	Danbury
	tab 25mg;250mg	Danbury
	tab 30mg;500mg	Danbury
	tab 50mg;500mg	Danbury
	tab 15mg;250mg	Invamed
	tab 25mg;250mg	Invamed
	tab 15mg;250mg	Lederle/Am Cyanamid
	tab 25mg;250mg	Lederle/Am Cyanamid
	tab 30mg;500mg	Lederle/Am Cyanamid
	tab 50mg;500mg	Lederle/Am Cyanamid
	tab 15mg;250mg	Mylan
	tab 25mg;250mg	Mylan
	tab 15mg;250mg	Novopharm
	tab 25mg;250mg	Novopharm
	tab 30mg;500mg	Novopharm
	tab 50mg;500mg	Novopharm
	tab 15mg;250mg	Par
	tab 25mg;250mg	Par
	tab 30mg;500mg	Par

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tab 50mg;500mg  
tab 15mg;250mg  
tab 25mg;250mg  
tab 30mg;500mg  
tab 50mg;500mg  
tab 15mg;250mg  
tab 25mg;250mg  
tab 30mg;500mg  
tab 50mg;500mg  
@ — tab 50mg;250mg  
tab 15mg;250mg  
tab 25mg;250mg  
tab 30mg;500mg  
tab 50mg;500mg  
tab 15mg;250mg  
tab 25mg;250mg  
tab 30mg;500mg  
tab 50mg;500mg

## Brand(s)

Aldoril 15  
Aldoril 25  
Aldoril D30  
Aldoril D50

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrochlorothiazide; Spirolactone	@ tab 25mg;25mg	(Ascot)
	tab 25mg;25mg	Barr
	tab 25mg;25mg	Bolar
	tab 25mg;25mg	Chelsea
@ —	tab 25mg;25mg	Cord
	tab 25mg;25mg	Danbury
	tab 25mg;25mg	Lederle/Am Cyanamid
	tab 25mg;25mg	Mutual
@ —	tab 25mg;25mg	Mylan
	tab 25mg;25mg	Parke-Davis/W-L
	tab 25mg;25mg	Pharmaceutical Basics
	tab 25mg;25mg	Purepac/Kalipharma
@ —	tab 25mg;25mg	Superpharm
	tab 25mg;25mg	Upsher-Smith
	tab 25mg;25mg	(Vanguard/MMM)
	tab 25mg;25mg	Zenith

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Brand(s)  
Aldactazide  
tab 25mg;25mg  
Searle  
(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4725 HYDROCODONE BITARTRATE; PHENYLPROPANOLAMINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrocodone Bitartrate; Phenylpropanolamine Hydrochloride	syr 5mg/5ml;25mg/5ml	Pharmaceutical Basics
	syr 5mg/5ml;25mg/5ml	National Pharm/Barre
	syr 5mg/5ml;25mg/5ml	DuPont
	syr 5mg/5ml;25mg/5ml	LuChem
Codamine Syrup Hycomine Syrup Propachem Syrup	syr 5mg/5ml;25mg/5ml	National Pharm/Barre
	syr 5mg/5ml;25mg/5ml	DuPont
	syr 5mg/5ml;25mg/5ml	DuPont
	syr 5mg/5ml;25mg/5ml	LuChem

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Added at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.4728 HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrocodone Bitartrate; Pseudoephedrine Hydrochloride	liq 5mg/5ml;60mg/5ml	Pharmaceutical Basics
	liq 5mg/5ml;60mg/5ml	National Pharm/Barre
	liq 5mg/5ml;60mg/5ml	Merrell Dow
	liq 5mg/5ml;60mg/5ml	Merrell Dow
Detussin Tussend	liq 5mg/5ml;60mg/5ml	National Pharm/Barre
	liq 5mg/5ml;60mg/5ml	Merrell Dow
	liq 5mg/5ml;60mg/5ml	Merrell Dow
	liq 5mg/5ml;60mg/5ml	Merrell Dow

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Rule 790.60.

(Source: Added at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.5020 HYDROFLUMETHIAZIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydroflumethiazide	@ tab 50mg	Bolar
	@ tab 50mg	Bolar



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BRAND(S)					
Imferon	inj eq 50mg iron/ml	Fisons			
Profender	@ inj eq 50mg iron/ml	Fisons			
(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)					
Section 790.5420 ISONIAZID					
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER			
Isoniazid	inj 100mg/ml	Quad			
	sy 50mg/5ml	Carolina Medical			
	tab 100mg	Anabolic			
	tab 100, 300mg	Barr			
	tab 100, 300mg	Bolar			
	tab 100, 300mg	Chelsea			
	@ tab 100, 300mg	Ciba/Ciba-Geigy			
	tab 300mg	Danbury			
	tab 50, 100, 300mg	Dow			
	@ tab 300mg	Duramed			
	tab 100, 300mg	Halsey			
	tab 50, 100, 300mg	Lilly			
	tab 100, 300mg	MK Laboratories			
	tab 100mg	Panray/Ormont			
	@ tab 50, 100, 300mg	Pharmavite			
	tab 100mg	Phoenix			
	tab 50, 100mg	Purepac/Kalipharma			
	tab 50, 100mg	Richlyn			
	tab 100mg	Towne Paulsen			
	@ tab 100mg	Vitarine			
	tab 100, 300mg	West-Ward			
	tab 100, 300mg	Zenith			
	tab 100mg	Squibb			
	inj 100mg/ml	Lannett			
	sy 50mg/5ml	Hoffmann-LaRoche			
Nydrazid	sy 50mg/5ml	Mallinckrodt			
	tab 100, 300mg	Lannett			
	tab 50, 100, 300mg	Stanlabs/Simpak			
	tab 100, 300mg				
	tab 100, 300mg				
(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)					

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Section 790.5500 KANAMYCIN SULFATE					
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER			
Kanamycin Sulfate	inj eq 75, 500mg base/2ml, 1gm base/3ml	Elkins-Sinn-Robins			
	inj eq 500mg base/2ml, 1gm base/3ml	IMS			
	inj eq 75, 500mg base/2ml, 1gm base/3ml	LyphoMed			
	inj eq 75, 500mg base/2ml, 1gm base/3ml	Pharmafair			
	inj eq 75, 500mg base/2ml, 1gm base/3ml	Quad			
	inj eq 75, 500mg base/2ml, 1gm base/3ml	Solopak			
	inj eq 1gm base/3ml	Steris			
	inj eq 75, 500mg base/2ml, 1gm base/3ml	Bristol/B-M			
	inj eq 75, 500mg base/2ml, 1gm base/3ml	Beecham			
(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)					
Section 790.5620 LIDOCAINE HYDROCHLORIDE					
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER			
Lidocaine Hydrochloride	inj 0.5, 1, 1.5, 2, 4, 10, 20%	Abbott			
	inj 1, 2%	Bel Mar			
	inj 1, 2%	Bristol			
	inj 1, 2%	Cutter			
	inj 1, 2%	Dell			
	inj 0.5, 1, 2, 4%	Elkins-Sinn			
	inj 2%	Graham			
	inj 1, 2, 4, 20%	IMS			
	@ inj 1, 2%	Lemmon			
	inj 1, 2%	Luitpold			
	inj 1, 1.5, 2, 4, 20%	LyphoMed			
	inj 1, 2%	Maurry			
	inj 1, 2%	Steris			
	inj 1, 2%	Wyeth Ayerst/AMHO			
	jelly 2%	IMS			
	soln, top 4%	Paco Research			

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Brand(s)	Pharmaceutical Basics
Alphacaine	IMS
Xylocaine	National Pharm/Barre
Xylocaine	Pharmaceutical Basics
Xylocaine	Roxane
Xylocaine	Carlisle
	Astra
	Astra
	Astra
	Astra

soln, top 4%	tab 12.5, 25mg	KV Pharmaceutical
soln, viscous 2%	tab 12.5, 25, 50mg	Par
soln, viscous 2%	tab 12.5, 25mg	Sidmak
soln, viscous 2%	tab 12.5, 25mg	Superpharm
soln, viscous 2%	tab 12.5, 25mg	(Unit Dose Labs)
soln, viscous 2%	tab 12.5, 25mg	(Vanguard/MMM)
soln, viscous 2%	tab 12.5, 25mg	Zenith
soln, viscous 2%	tab 12.5, 25mg	Anabolic
soln, viscous 2%	tab, chew 25mg	Sidmak
soln, viscous 2%	tab, chew 25mg	Zenith

Brand(s)  
Antivert  
Antivert

tab 12.5, 25, 50mg  
tab, chew 25mg

Roerig/Pfizer  
Roerig/Pfizer

Product labelled for intracardiac use may not be interchanged.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.5740 LITHIUM CARBONATE

## Section 790.5860 MENADIOL SODIUM PHOSPHATE

APPLICATION HOLDER,  
MANUFACTURERAPPLICATION HOLDER,  
MANUFACTURER

## DRUG

## DOSAGE FORM, STRENGTH

## Lithium Carbonate

cap 300mg  
cap 300mg  
cap 300mg  
@ tab 300mg  
tab 300mg

Brand(s)  
Kappadione  
Synkavite

@ inj 10mg/ml  
inj 10mg/ml

Lilly  
Hoffmann-LaRoche

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Brand(s)

Eskalith  
Lithonate  
Eskalith  
Lithane  
Lithotabs

cap 300mg  
cap 300mg  
tab 300mg  
tab 300mg  
tab 300mg

SKF  
Reid-Rowell  
SKF  
Miles  
Reid-Rowell

## Section 790.5872 MEPERIDINE HYDROCHLORIDE

APPLICATION HOLDER,  
MANUFACTURER

## DRUG

## DOSAGE FORM, STRENGTH

Meperidine  
Hydrochloride

inj 10mg/ml  
inj 25, 50, 75, 100mg/ml  
inj 25, 50, 75, 100mg/ml  
inj 10mg/ml  
@ inj 25, 50, 75, 100mg/ml  
inj 25, 50, 75, 100mg/ml  
inj 25, 50, 75, 100mg/ml  
syr 50mg/5ml  
tab 50, 100mg  
tab 50mg

Abbott  
Astra  
Elkins-Sinn/Robins  
IMS  
Knoll  
Parke-Davis/W-L  
Wyeth Ayerst/AMHO  
Roxane  
Barr  
Wyeth Ayerst/AMHO

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.5820 MECLIZINE HYDROCHLORIDE

(All products are Rx although some manufacturers also market an OTC version of the product)

APPLICATION HOLDER,  
MANUFACTURER

## DRUG

## DOSAGE FORM, STRENGTH

## Meclizine Hydrochloride

tab 25mg  
@ tab 12.5mg  
tab 12.5, 25mg  
tab 12.5, 25mg  
tab 12.5, 25mg

Brand(s)  
Demerol  
Demerol  
Demerol  
Pethadol

inj 25, 50, 75, 100mg/ml  
syr 50mg/5ml  
tab 50, 100mg/ml  
tab 50, 100mg/ml

Winthrop-Breon/Sterling  
Winthrop-Breon/Sterling  
Winthrop-Breon/Sterling  
Halsey

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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Section 790.5900 MEPROBAMATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Meprobamate	tab 200, 400mg	Anabolic
	tab 200, 400, 600mg	Barr
	tab 200, 400mg	Bell
	tab 200, 400, 600mg	Chelsea
	tab 400mg	Cord
	tab 200, 400, 600mg	Danbury
	tab 400mg	Everylife
	tab 400mg	First Texas/Scherer
	tab 400, 600mg	Heather
	tab 200, 400mg	ICN
	tab 400mg	KM Labs
	tab 200, 400mg	Lannett
	tab 400mg	Lederle/Am Cyanamid
	tab 200, 400mg	Mallard
	tab 400mg	MK Laboratories
	tab 200, 400mg	Mylan
	tab 200, 400mg	Parke-Davis/W-L
	tab 200, 400mg	Pharmaceutical Basics
	tab 400mg	Pharmavite
	tab 400mg	Private Formulations
	tab 200, 400mg	Purepac/Kalipharma
	tab 200, 400mg	Quantum
	tab 200, 400mg	Reid-Rowell
	tab 600mg	Richlyn
	tab 200, 400mg	Roxane
	tab 400mg	Stanlabs/Simpak
	tab 200, 400mg	Tablicaps
	tab 200, 400mg	Towne Paulsen
	tab 400mg	(Vanguard/MMM)
	tab 200, 400mg	Vitarine
	tab 200, 400mg	West-Ward
	tab 200, 400, 600mg	Zenith
Brand(s)		
Amosene	tab 400mg	Ferndale
Equanil	tab 200, 400mg	Wyeth Ayerst/AMHO
Mepriam	tab 400mg	Lemmon
Miltown	tab 200, 400, 600mg	Wallace/C-W
Neuramate	tab 200, 400mg	Halsey
Tranmep	tab 400mg	Reid-Rowell

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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Section 790.5940 METAPROTERENOL SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Metoprolerenol Sulfate	soln for inh 0.4,0.6, seth-for-inh-0.33,0.4; 0.5%	Amour Pharmaceutical Dey-Labs
	soln for inh 0.4,0.6,5%	Dey Labs
	soln for inh 0.4,0.6%	Paco Research
	soln for inh 5%	Pharmaceutical Basics
	syr 10mg/5ml	Pharmaceutical Basics
	tab 10,20mg	American Therapeutics
	tab 10,20mg	Par
	tab 10,20mg	Pharmaceutical Basics
Brand(s)		
Alupent	soln for inh 0.4,0.6,5%	Boehringer Ingelheim
Dey-Dose	soln for inh 5%	Dey Labs
Dey-Lute	soln for inh 0.4,0.6%	Dey Labs
Alupent	syr 10mg/5ml	Boehringer Ingelheim
Prometa	syr 10mg/5ml	Muro
Alupent*	tab 10,20mg	Boehringer Ingelheim

\*Products manufactured by this brand name manufacturer in this drug entity are available for drug product selection under other brand and/or generic names.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.6140 METHOCARBAMOL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Methocarbamol	inj 100mg/ml	Steris
	tab 500,750mg	American Therapeutics (Ascot)
	tab 500,750mg	Barr
	tab 500,750mg	Bolar
	tab 500,750mg	Chelsea
	tab 500,750mg	Cord
	tab 500,750mg	Danbury
	tab 500,750mg	Heather
	tab 500mg	Inwood/Forest
	tab 500,750mg	KV Pharmaceutical
	tab 750mg	Lannett
	tab 500,750mg	Lederle/Am Cyanamid
	tab 500,750mg	Mylan
	@ tab 500,750mg	

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tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg  
tab 500,750mg

## Brand(s)

Robaxin  
Delaxin  
Forbaxin  
Robaxin

inj 100mg/ml  
tab 500mg  
tab 750mg  
tab 500,750mg

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.6180 METHOTREXATE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Methotrexate Sodium	inj eq 25mg base/ml inj eq 25mg base/ml inj eq 25mg base/ml inj eq 2.5,25mg base/ml inj eq 20,50,100mg base/vial inj eq 2.5,25mg base/ml @ inj eq 20,50,100mg base/vial inj eq 25mg base/ml inj eq 25mg base/ml inj eq 20,50,100,250mg base/vial	Adria Ben Venue IMS Lederle/Am Cyanamid Lederle/Am Cyanamid LyphoMed LyphoMed Pharmachemie Quad Quad International Pharm International Pharm Adria Bristol/B-M Bristol/B-M

## Brand(s)

Abitrexate  
Abitrexate

Fotex

Mexate

Mexate-AQ

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Par  
Pioneer  
Purepac/Kalipharma  
Reid-Rowell  
Richlyn  
Superpharm  
Tablicaps  
Upsher-Smith  
Vitarine  
West-Ward  
Zenith

Robins  
Ferndale  
Forest  
Robins

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.6180 METHOTREXATE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Methotrexate Sodium	inj eq 25mg base/ml inj eq 25mg base/ml inj eq 25mg base/ml inj eq 2.5,25mg base/ml inj eq 20,50,100mg base/vial inj eq 2.5,25mg base/ml @ inj eq 20,50,100mg base/vial inj eq 25mg base/ml inj eq 25mg base/ml inj eq 20,50,100,250mg base/vial	Adria Ben Venue IMS Lederle/Am Cyanamid Lederle/Am Cyanamid LyphoMed LyphoMed Pharmachemie Quad Quad International Pharm International Pharm Adria Bristol/B-M Bristol/B-M

## Brand(s)

Abitrexate  
Abitrexate

Fotex

Mexate

Mexate-AQ

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Neomycin Sulfate; Triamcinolone Acetonide	@ cream eq 3.5mg base/gm;0.1% @ cream eq 3.5mg base/gm;0.1% @ cream eq 3.5mg base/gm;0.1% @ oint eq 3.5mg base/gm;0.1% @ oint eq 3.5mg base/gm;0.1% @ oint eq 3.5mg base/gm;0.1%	Fougere/Altana Pharmadem/Altana Savage/Altana Fougere/Altana Pharmadem/Altana Savage/Altana

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.6580 NIACIN

(NICOTINIC ACID)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Niacin	tab 500mg @ tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg	Bolar Chelsea Danbury Halsey MK Laboratories Purepac/Kalipharma Richlyn Stanlabs/Simpak Tablicaps West-Ward Zenith Rorer

NOTE: Dosage strengths less than 500mg are OTC.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.6620 NITROFURANTOIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Nitrofurantoin	tab 50,100mg @ tab 50,100mg tab 50,100mg tab 100mg	Bolar Chelsea Quantum Towne Paulsen

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Vitarine  
Zenith

Norwich-Eaton/P&G  
Lannett

Brand(s)  
Furadantin  
Furalan

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790 6621 NITROFURANTOIN MACROCRYSTALS (Repealed)

PASSAGE-FORM--STRENGTH

cap-50-100mg

Nitrofurantoin  
Macrostats  
Brand(s)

**Norwich-Eaton**

(Source: Repealed at 14 Ill. Reg. 1188, effective July 13, 1990)

Section 790.6780 NYSTATIN

**DOSAGE FORM, STRENGTH**

Nivstatin

cream 100,000U/gm	Altana
cream 100,000U/gm	Clay-Park
cream 100,000U/gm	Lemmon
cream 100,000U/gm	Naska
cream 100,000U/gm	Thames
ointment 100,000U/gm	Altana
ointment 100,000U/gm	Clay-Park
ointment 100,000U/gm	Naska
susp, oral 100,000U/ml	Biocraft
susp, oral 100,000U/ml	Foudera/P

susp, oral 100,000U/ml	Lemmon
susp, oral 100,000U/ml	Naska
susp, oral 100,000U/ml	National Pharm/Barre
susp, oral 100,000U/ml	Pharmaceutical Basics
susp, oral 100,000U/ml	Pharmafair
susp, oral 100,000U/ml	Thames
tab, oral 500,000U	Chelsea
tab, oral 500,000U	Lemmon
tab, oral 500,000U	Mutual
tab, oral 500,000U	Par
tab, oral 500,000U	Pharmaceutical Basics
tab, oral 500,000U	Quantum

Pharmaceutical Basics  
Quantum

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

(Source: Amended at 14 Ill. Reg. 1188, effective July 13, 1990)

Section 790.6820 ORPHENADRINE CITRATE

DDIC	DOSE	FORM	STRENGTH	APPLICATION HOLDER, MANUFACTURER
1	100 mg	Tablet	100 mg	Abbott Laboratories
2	200 mg	Tablet	200 mg	Abbott Laboratories
3	400 mg	Tablet	400 mg	Abbott Laboratories
4	600 mg	Tablet	600 mg	Abbott Laboratories
5	800 mg	Tablet	800 mg	Abbott Laboratories
6	1000 mg	Tablet	1000 mg	Abbott Laboratories
7	1200 mg	Tablet	1200 mg	Abbott Laboratories
8	1400 mg	Tablet	1400 mg	Abbott Laboratories
9	1600 mg	Tablet	1600 mg	Abbott Laboratories
10	1800 mg	Tablet	1800 mg	Abbott Laboratories
11	2000 mg	Tablet	2000 mg	Abbott Laboratories
12	2200 mg	Tablet	2200 mg	Abbott Laboratories
13	2400 mg	Tablet	2400 mg	Abbott Laboratories
14	2600 mg	Tablet	2600 mg	Abbott Laboratories
15	2800 mg	Tablet	2800 mg	Abbott Laboratories
16	3000 mg	Tablet	3000 mg	Abbott Laboratories
17	3200 mg	Tablet	3200 mg	Abbott Laboratories
18	3400 mg	Tablet	3400 mg	Abbott Laboratories
19	3600 mg	Tablet	3600 mg	Abbott Laboratories
20	3800 mg	Tablet	3800 mg	Abbott Laboratories
21	4000 mg	Tablet	4000 mg	Abbott Laboratories
22	4200 mg	Tablet	4200 mg	Abbott Laboratories
23	4400 mg	Tablet	4400 mg	Abbott Laboratories
24	4600 mg	Tablet	4600 mg	Abbott Laboratories
25	4800 mg	Tablet	4800 mg	Abbott Laboratories
26	5000 mg	Tablet	5000 mg	Abbott Laboratories
27	5200 mg	Tablet	5200 mg	Abbott Laboratories
28	5400 mg	Tablet	5400 mg	Abbott Laboratories
29	5600 mg	Tablet	5600 mg	Abbott Laboratories
30	5800 mg	Tablet	5800 mg	Abbott Laboratories
31	6000 mg	Tablet	6000 mg	Abbott Laboratories
32	6200 mg	Tablet	6200 mg	Abbott Laboratories
33	6400 mg	Tablet	6400 mg	Abbott Laboratories
34	6600 mg	Tablet	6600 mg	Abbott Laboratories
35	6800 mg	Tablet	6800 mg	Abbott Laboratories
36	7000 mg	Tablet	7000 mg	Abbott Laboratories
37	7200 mg	Tablet	7200 mg	Abbott Laboratories
38	7400 mg	Tablet	7400 mg	Abbott Laboratories
39	7600 mg	Tablet	7600 mg	Abbott Laboratories
40	7800 mg	Tablet	7800 mg	Abbott Laboratories
41	8000 mg	Tablet	8000 mg	Abbott Laboratories
42	8200 mg	Tablet	8200 mg	Abbott Laboratories
43	8400 mg	Tablet	8400 mg	Abbott Laboratories
44	8600 mg	Tablet	8600 mg	Abbott Laboratories
45	8800 mg	Tablet	8800 mg	Abbott Laboratories
46	9000 mg	Tablet	9000 mg	Abbott Laboratories
47	9200 mg	Tablet	9200 mg	Abbott Laboratories
48	9400 mg	Tablet	9400 mg	Abbott Laboratories
49	9600 mg	Tablet	9600 mg	Abbott Laboratories
50	9800 mg	Tablet	9800 mg	Abbott Laboratories
51	10000 mg	Tablet	10000 mg	Abbott Laboratories
52	10200 mg	Tablet	10200 mg	Abbott Laboratories
53	10400 mg	Tablet	10400 mg	Abbott Laboratories
54	10600 mg	Tablet	10600 mg	Abbott Laboratories
55	10800 mg	Tablet	10800 mg	Abbott Laboratories
56	11000 mg	Tablet	11000 mg	Abbott Laboratories
57	11200 mg	Tablet	11200 mg	Abbott Laboratories
58	11400 mg	Tablet	11400 mg	Abbott Laboratories
59	11600 mg	Tablet	11600 mg	Abbott Laboratories
60	11800 mg	Tablet	11800 mg	Abbott Laboratories
61	12000 mg	Tablet	12000 mg	Abbott Laboratories
62	12200 mg	Tablet	12200 mg	Abbott Laboratories
63	12400 mg	Tablet	12400 mg	Abbott Laboratories
64	12600 mg	Tablet	12600 mg	Abbott Laboratories
65	12800 mg	Tablet	12800 mg	Abbott Laboratories
66	13000 mg	Tablet	13000 mg	Abbott Laboratories
67	13200 mg	Tablet	13200 mg	Abbott Laboratories
68	13400 mg	Tablet	13400 mg	Abbott Laboratories
69	13600 mg	Tablet	13600 mg	Abbott Laboratories
70	13800 mg	Tablet	13800 mg	Abbott Laboratories
71	14000 mg	Tablet	14000 mg	Abbott Laboratories
72	14200 mg	Tablet	14200 mg	Abbott Laboratories
73	14400 mg	Tablet	14400 mg	Abbott Laboratories
74	14600 mg	Tablet	14600 mg	Abbott Laboratories

Orphenadrine Citrate

Brand(s)  
Norflex  
Norflex

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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## Section 790.6940 OXYTETRACYCLINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Oxytetracycline Hydrochloride	cap @ cap _ cap	Proter Lab/Italy Purepac/Kalipharma Richlyn West-Ward
Brand(s) Oxy-Kesso-Tetra Terramycin	cap cap	WK Laboratories Pfizer

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.6980 PENICILLIN G POTASSIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Penicillin G Potassium	inj inj inj inj pwr for susp pwr for susp @ pwr for susp _ tab tab @ tab _ tab tab tab	Lilly Parke-Davis/W-L Marsam Squibb Biocraft Mylan Purepac/Kalipharma Biocraft Mylan Purepac/Kalipharma Wyeth Ayerst/AMHO Zenith Lilly/Dista
Brand(s) Pfizerpen Pentids Pfizerpen-G Pentids Pfizerpen-G	inj pwr for susp pwr for susp tab tab	Pfizer Squibb Pfizer Squibb Pfizer

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7100 PENICILLIN V POTASSIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Penicillin V Potassium	pwr for soln	Biocraft

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pwr for soln pwr for soln pwr for soln @ pwr for soln _ tab tab tab tab @ tab _ tab	Clonmel Chemicals Copanos Mylan Purepac/Kalipharma Biocraft Clonmel Chemicals Copanos Mylan Purepac/Kalipharma Zenith
pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln tab tab tab tab tab tab tab	Brand(s) Beepen-VK Betapen-VK LederCillin-VK Pen-Vee K Penapar-VK Pfizerpen-VK V-Cillin K Veetids '125', '250' Beepen-VK Betapen-VK LederCillin-VK Pen-Vee K Penapar-VK Pfizerpen-VK Uticillin VK V-Cillin K Veetids '250', '500'
pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln pwr for soln tab tab tab tab tab tab tab	Beecham Bristol/B-M Lederle/Am Cyanamid Wyeth Ayerst/AMHO Parke-Davis/W-L Pfizerpharmecs/Pfizer Lilly Squibb Beecham Bristol/B-M Lederle/Am Cyanamid Wyeth Ayerst/AMHO Parke-Davis/W-L Pfizerpharmecs/Pfizer Upjohn Lilly Squibb

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7120 PENTOBARBITAL SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Pentobarbital Sodium	cap 100mg cap 100mg cap 100mg cap 100mg cap 100mg cap 50, 100mg @ cap 100mg _ cap 100mg @ cap 100mg _ cap 100mg	Anabolic Bell Chelsea Halsey ICN Lannett Parke-Davis/W-L Purepac/Kalipharma Quantum Stanlabs/Simpak Towne Paulsen





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Klor Con 20%

soln 3000mg/15ml  
(40mEq/15ml, 20%)

Upsher-Smith

Slow-K

tab, extended release  
· 8mEq (600mg)

Ciba/Geigy

Products containing sugar shall not be interchanged with sugar free products without verification of the diabetic status of the patient.

Oral Potassium Chloride solutions and powders for solutions were reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Potassium Chloride; Sodium Chloride	0 inj 75mg/100ml (0.075%); 900mg/100ml (0.9%)	Kendall McGaw
	@ 150mg/100ml (0.15%); 900mg/100ml (0.9%)	Kendall McGaw
	@ 300mg/100ml (0.3%); 900mg/100ml (0.9%)	Kendall McGaw
	@ inj 75mg/100ml (0.075%); 900mg/100ml (0.9%)	Travenol
	150mg/100ml (0.15%); 900mg/100ml (0.9%)	Travenol
	300mg/100ml (0.3%); 900mg/100ml (0.9%)	Travenol

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7400 PREDNISONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Prednisone	oral soln 5mg/5ml	Pharmaceutical Basics
	oral soln 5mg/5ml	Roxane
	tab 5, 10, 20mg	American Therapeutics
	tab 5, 10, 20mg	Barr
	tab 5, 10, 20, 50mg	Chelsea
	tab 5, 10, 20, 50mg	Cord
	tab 5, 10, 20mg	Danbury
	tab 5, 10, 20mg	Duramed

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	tab 5mg	Halsey
	tab 5, 10, 20mg	Interpharm
	tab 5, 10, 20mg	Mutual
	tab 5, 20mg	Private Formulations
	tab 5, 10, 20mg	Purepac
	tab 1, 2, 5, 10, 20, 25, 50mg	Roxane
	tab 5, 10, 20mg	Superpharm
	@ tab 10mg	Towne-Paulsen
	tab 5, 10, 20, 50mg	West-Ward
	oral soln 5mg/5ml	Upjohn
	tab 5, 10, 20, 50mg	Upjohn
	tab 1, 5, 10, 20, 50mg	Reid-Rowell

Brand(s)  
Deltasone  
Deltasone  
Orasone

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7500 PROCAINAMIDE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Procainamide Hydrochloride	@ cap 250, 375, 500mg	(Ascot)
	@ cap 250, 500mg	Bolar
	cap 250, 375, 500mg	Chelsea
	cap 250, 375, 500mg	Cord
	cap 250, 375, 500mg	Danbury
	cap 250, 500mg	Lannett
	@ cap 250, 375, 500mg	Lederle/Am Cyanamid
	@ cap 250, 500mg	Roxane
	@ cap 250, 500mg	(Vanguard/MMM)
	cap 250, 375, 500mg	Zenith
	inj 100, 500mg/ml	Abbott
	inj 100, 500mg/ml	Elkins-Sinn/Robins
	inj 100, 500mg/ml	IMS
	inj 100, 500mg/ml	LyphoMed
	@ inj 100, 500mg/ml	Pharmafair
	inj 100, 500mg/ml	Quad
	inj 100, 500mg/ml	Solopak
	inj 100, 500mg/ml	Steris
	inj 500mg/ml	Sterling
	inj 100, 500mg/ml	Warner Chilcott/W-L
	tab, controlled release	Bolar
	250, 500, 750, 1000mg	
	tab, controlled release	Copley
	500mg	
	tab, controlled release	Cord
	500, 750mg	

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Brand(s)  
 Procain  
 Procapan  
 Pronesty  
 Pronesty  
 Procain-SR  
 Rhythmin

tab, controlled release  
 250,500,750mg  
 tab, controlled release  
 500mg  
 tab, controlled release  
 500mg  
 @ cap 375mg  
 @ cap 250mg  
 @ cap 250,375,500mg  
 inj 100,500mg/ml  
 tab, controlled release  
 250,500,750,1000mg  
 tab, controlled release  
 250,500mg

Danbury  
 Forest/Inwood  
 Invamed  
 Parke-Davis-W/L  
 Panray/Ormont  
 Squibb  
 Parke-Davis-W-L  
 Sidmak

inj 25,50mg/ml  
 inj 25,50mg/ml  
 inj 25,50mg/ml  
 inj 25,50mg/ml  
 inj 25,50mg/ml  
 syr 6.25mg/5ml, 25mg/5ml  
 syr 6.25mg/5ml  
 @ syr 6.25mg/5ml  
 syr 6.25mg/5ml  
 syr 6.25mg/5ml

Leimon  
 Marsam  
 Maury Biological  
 Steris  
 Winthrop/Sterling  
 KV Pharmaceutical  
 Life  
 Pharm Assoc/Beach  
 Pharmaceutical Basics  
 Towne Paulsen

Brand(s)  
 Phenergan  
 Zipan-25,50  
 Phenergan  
 Phenergan Fortis  
 Prometh

inj 25,50mg/ml  
 @ inj 25,50mg/ml  
 syr 6.25mg/5ml  
 syr 25mg/5ml  
 syr 6.25mg/5ml, 25mg/5ml

Wyeth Ayerst/AMHO  
 Altana  
 Wyeth Ayerst/AMHO  
 Wyeth Ayerst/AMHO  
 National Pharm/Barre

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7540 PROCHLORPERAZINE EDISYLATE

## Section 790.7740 PROPANTHLINE BROMIDE

APPLICATION HOLDER,  
MANUFACTURER

## DRUG

## DRUG

APPLICATION HOLDER,  
MANUFACTURER

Prochlorperazine  
 Edisylate

conc eq 10mg base/ml  
 conc eq 10mg base/ml  
 inj eq 5mg base/ml  
 inj eq 5mg base/ml  
 inj eq 5mg base/ml  
 inj eq 5mg base/ml  
 inj eq 5mg base/ml  
 inj eq 5mg base/ml  
 inj eq 5mg base/ml  
 syr eq 5mg base/5ml  
 syr eq 5mg base/5ml

National Pharm/Barre  
 Pharmaceutical Basics  
 Elkins-Sinn/Robins  
 Marsam  
 Quad  
 Solopak  
 Steris  
 Sterling  
 Wyeth Ayerst/AMHO  
 National Pharm/Barre  
 Pharmaceutical Basics

Propantheline Bromide

@ tab 15mg  
 @ tab 15mg  
 @ tab 15mg  
 tab 15mg  
 tab 15mg  
 @ tab 15mg  
 @ tab 15mg  
 tab 15mg  
 tab 15mg  
 tab 15mg  
 tab 7.5,15mg  
 tab 15mg

(Ascot)  
 Bolar  
 Cord  
 Danbury  
 Heather  
 Mylan  
 Par  
 Private Formulations  
 Richlyn  
 Roxane  
 Tablicaps

Brand(s)  
 Compazine  
 Compazine  
 Compazine

@ conc eq 10mg base/ml  
 inj eq 5mg base/ml  
 syr eq 5mg base/5ml

SKF  
 SKF  
 SKF

Brand(s)  
 Pro-Banthine

tab 7.5,15mg

Searle

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.7700 PROMETHAZINE HYDROCHLORIDE

## Section 790.7820 PROPOXYPHENE HYDROCHLORIDE

APPLICATION HOLDER,  
MANUFACTURER

## DRUG

## DRUG

APPLICATION HOLDER,  
MANUFACTURER

Promethazine  
 Hydrochloride

inj 25,50mg/ml  
 @ inj 25,50mg/ml

Elkins-Sinn/Robins  
 Knoll Pharmaceutical

Propoxyphene  
 Hydrochloride

cap 65mg  
 @ cap 65mg

Anabolic  
 Barr

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@ \_ cap 65mg  
 cap 65mg  
 cap 65mg  
 cap 65mg  
 cap 32,65mg  
 cap 32,65mg  
 cap 65mg  
 cap 32,65mg  
 cap 65mg  
 cap 65mg  
 cap 32,65mg  
 cap 65mg  
 cap 32,65mg  
 cap 65mg  
 cap 32,65mg

Brand(s)
Darvon
Dolene
Kesso-Gesic
Propylene

(Source: Amended at 14 111. Reg. 11988, effective July 13, 1990)

Section 790.7828 PROPANOLOL HYDROCHLORIDE

**DRUG** **DOSAGE FORM, STRENGTH**

Propranolol  
Hydrochloride

cap, extended release	cap, extended release	Forest Inwood
60,80,120,160mg	inj 1mg/ml	Solopak
	oral soln 20mg/5ml	Pharmaceutical Basics
	oral soln 40mg/5ml	Pharmaceutical Basics
	oral soln 20mg/5ml	Roxane
	oral soln 40mg/5ml	Roxane
	tab 10,20,40,60,80mg	Barr
	tab 10,20,40,60,80mg	Bolar
	tab 10,20,40,60,80mg	Chelsea
	tab 10,20,40,60,80mg	Cord
	tab 10,20,40,60,80,90mg	Danbury
	tab 10,20,40,60,80,90mg	Duramed
	tab 10,20,40,80mg	Interpharm
	tab 10,20,40,60,80,90mg	Invamed
	tab 10,20,40,60,80,90mg	Lederle/Am Cyanamid
	tab 10,20,40mg	Lemmon
	tab 10,20,40,60,80mg	Martec
	tab 10,20,40,60,80mg	Mylan

APPLICATION HOLDER,  
MANUFACTURER

Forest Inwood

Solopak  
Pharmaceutical Basics  
Pharmaceutical Basics  
Roxane  
Roxane  
Barr  
Bolar  
Chelsea  
Cord  
Danbury  
Duramed  
Interpharm  
Invamed  
Lederle/Am Cyanamid  
Lemmon  
Martec  
Mylan

Chelsea  
Cord  
Danbury  
ICN  
Lemmon  
Mylan  
Parke-Davis/W-L  
Private Formulations  
Purupac/Kalipharma  
Richlyn  
Roxane  
Towne Paulsen  
Vitarine  
West-Ward  
Zenith

Lilly  
Lederle/Am Cyanamid  
MK Laboratories  
Halsey

Section 790.7834 PROTAMINE SULFATE

(Source: Amended at 14 I'll. Reg. 11988, effective July 13, 1990)

[illegible]

Protamine Sulfate

inj	10mg/ml	Elkins-Sinn/Robins
inj	10mg/ml	Lilly
inj	10mg/ml	Quaphed
inj	10mg/ml, 50mg/vial	Quad
inj	50mg/vial	Upjohn

APPLICATION HOLDER,  
MANUFACTURER

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790 7860 PSEUDOEPHEDRINE HYDROCHLORIDE: TRIPROLIDINE HYDROCHLORIDE

DRUG

Pseudoephedrine HCl;  
Triprolidine HCl;

**DOSAGE FORM, STRENGTH**

syr 30mg/5ml; 1.25mg/5ml  
 tab 60mg; 2.5mg  
 tab 60mg; 2.5mg  
 tab 60mg; 2.5mg  
 tab 60mg; 2.5mg  
 tab 60mg; 2.5mg  
 tab 60mg; 2.5mg

APPLICATION HOLDER,  
MANUFACTURER

Pharmafair  
Bolar  
Chelsea  
Superpharm  
Vitarine  
Zenith

Brand(s)

Actahist	syr 30mg/5ml; 1.25mg/5ml
Histafed	syr 30mg/5ml; 1.25mg/5ml
Trilitron	syr 30mg/5ml; 1.25mg/5ml
Triposed	syr 30mg/5ml; 1.25mg/5ml
Altered	tab 60mg; 2.5mg

Halsey  
Private Formulations

## DEPARTMENT OF PUBLIC HEALTH

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Corphed  
Trilitron  
Triphed  
Triposed

tab 60mg;2.5mg  
tab 60mg;2.5mg  
tab 60mg;2.5mg  
tab 60mg;2.5mg

Cord  
Newtron  
Lemmon  
Halsey

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.8015 QUINIDINE GLUCONATE

APPLICATION HOLDER,  
MANUFACTURER

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Quinidine Gluconate	0 tab, controlled release, 324mg	(Ascot)
	tab, controlled release, 324mg	Bolar
	tab, controlled release, 324mg	Chelsea
	tab, controlled release, 324mg	Cord
	tab, controlled release, 324mg	Danbury
	tab, controlled release, 324mg	Halsey
	tab, controlled release, 324mg	Roxane
	tab, controlled release, 324mg	Superpharm
Brand(s) Quinaglute	tab, controlled release, 324mg	Berlex

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.8020 QUINIDINE SULFATE

APPLICATION HOLDER,  
MANUFACTURER

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Quinidine Sulfate	cap 200mg	Lilly
	tab 200mg	Barr
	tab 200mg	Beecham
	tab 200mg	Bell
	tab 200mg	Chelsea
	tab 200,300mg	Cord
	tab 100,200,300mg	Danbury
	tab 200mg	First Texas/Scherer

## DEPARTMENT OF PUBLIC HEALTH

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DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
	tab 200mg	Halsey
	tab 200mg	ICN
	tab 200mg	KV Pharmaceutical
	tab 200mg	Lannett
	tab 200mg	Lederle/Am Cyanamid
	tab 200mg	Lilly
	tab 100,200,300mg	Mutual
	tab 200mg	Parke-Davis/M-L
	0 tab 200mg	Pharmaceutical Basics
	tab 200mg	Pharmavite
	tab 200mg	Phoenix
	tab 200mg	Private Formulations
	tab 200mg	Purepac/Kalipharma
	tab 200mg	Quantum
	tab 200mg	Richlyn
	tab 200,300mg	Roxane
	tab 200mg	Stanlabs/Simpak
	tab 200mg	Superpharm
	tab 200mg	Towne Paulsen
	0 tab 200mg	(Vanguard/MMM)
	tab 200mg	Vitarine
	tab 200,300mg	West-Ward
	tab 200mg	Zenith
	cap 200mg	Reid-Rowell
	tab 100,300mg	Reid-Rowell
	tab 200,300mg	Key

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.8060 RESERPINE

DRUG

APPLICATION HOLDER,  
MANUFACTURER

Brand(s)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sandril	0 inj 2.5mg/ml	Lilly
Serpasil	0 inj 2.5mg/ml	Ciba/Ciba-Geigy

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.8136 SECOBARBITAL SODIUM

DRUG

APPLICATION HOLDER,  
MANUFACTURER

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Secobarbital Sodium	0 cap 100mg	Anabolic

## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

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## NOTICE OF ADOPTED AMENDMENTS

@ cap 100mg  
 — cap 100mg  
 @ cap 100mg  
 — cap 100mg  
 cap 100mg  
 cap 100mg  
 cap 50,100mg  
 @ cap 100mg  
 — cap 100mg  
 @ cap 100mg  
 — cap 100mg  
 @ cap 100mg  
 — cap 100mg  
 cap 100mg  
 cap 100mg  
 cap 100mg  
 cap 100mg  
 inj 50mg/ml  
  
 Brand(s)  
 Seconal  
 Seconal

Barr  
 Bell  
 Chelsea  
 Halsey  
 ICN  
 KV Pharmaceutical  
 Lannett  
 Parke-Davis/W-L  
 Purepac/Kalipharma  
 Stanlabs/Simpak  
 Towne Paulsen  
 Vitarine  
 West-Ward  
 Wyeth Ayerst/AMHO  
 Zenith  
 Wyeth Ayerst/AMHO  
 Lilly  
 Lilly

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.8232 SODIUM CHLORIDE

## Section 790.8290 SOYBEAN OIL

## DRUG

## DOSAGE FORM, STRENGTH

APPLICATION HOLDER,  
MANUFACTURER

Brand(s)  
 Intralipid 10%  
 Intralipid 20%  
 Liposyn III 10%  
 Liposyn III 20%  
 Soyacal 10%  
 Soyacal 20%  
 Travamulsion 10%  
 Travamulsion 20%

inj 10%  
 inj 20%  
 @ inj 10%  
 @ inj 20%  
 — inj 10%  
 — inj 20%  
 inj 10%  
 inj 20%  
 inj 10%  
 inj 20%

Kabi Vitrum  
 Kabi-Vitrum  
 Abbott  
 Abbott  
 Alpha Therapeutic  
 Alpha Therapeutic  
 Travenol  
 Travenol

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.8232 SODIUM CHLORIDE

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Injection; in plastic container

## Section 790.8300 SPIRONOLACTONE

## Solution for irrigation; in plastic container

APPLICATION HOLDER,  
MANUFACTURER

## DRUG

## DOSAGE FORM, STRENGTH

## Spironolactone

@ tab 25mg  
 — tab 25mg  
 tab 25mg  
 tab 25mg  
 tab 25mg  
 @ tab 25mg  
 — tab 25mg  
 tab 25mg  
 tab 25mg  
 tab 25mg  
 tab 25mg  
 @ tab 25mg  
 — tab 25mg

(Ascot)  
 Barr  
 Bolax  
 Chelsea  
 Cord  
 Lederle/Am Cyanamid  
 Mutual  
 Mylan  
 Parke-Davis/W-L  
 Purepac/Kalipharma  
 Superpharm  
 Upsher-Smith  
 (Vanguard)/MM  
 Zenith

Brand(s)  
Aldactone

tab 25mg

Searle

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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Section 790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sulfabenzamide; Sulfacetamide; Sulfathiazole Brand(s)	@ tab, vag 184mg; 143.75mg; 172.5mg	Fougere/Pharmaderm/ Altana
Sultrin	tab, vag 184mg; 143.75mg; 172.5mg	Ortho

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.8460 SULFADIAZINE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sulfadiazine	tab 500mg @ tab 500mg tab 500mg tab 500mg tab 500mg	Lannett Lederle/Am Cyanamid Lilly Richlyn Stanlabs/Simpak

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.8540 SULFAMETHOXAZOLE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sulfamethoxazole	@ tab 500mg @ tab 500mg tab 500mg, 1gm tab 500mg tab 500mg	(Ascot) Barr Bolar Cord Heather
Brand(s) Gantanol Gantanol DS Urobak	tab 500mg tab 1gm tab 500mg	Hoffmann-LaRoche Hoffmann-LaRoche Shionogi-USA

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 790.8660 SULFINPYRAZONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sulfapyrazone	cap 200mg cap 200mg @ cap 200mg cap 200mg tab 100mg tab 100mg tab 100mg tab 100mg	Barr Par (Vanguard/MMM) Zenith Barr Danbury Par Zenith
Brand(s) Anturane Anturane	cap 200mg tab 100mg	Ciba/Ciba-Geigy Ciba/Ciba-Geigy

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

Section 790.8700 SULFISOXAZOLE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sulfisoxazole	@ tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg @ tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg	Barr Cord Heather ICN Lannett Lederle/Am Cyanamid Purepac/Kalipharma Richlyn Roxane West-Ward Zenith
Brand(s) Gantrisin Sosol Sulfalar Sulsoxin	tab 500mg tab 500mg tab 500mg tab 500mg	Hoffmann-LaRoche MK Laboratories Parke-Davis/W-L Reid-Rowell

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)



## DEPARTMENT OF PUBLIC HEALTH

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tab 10,15,25,50,100,150,  
200mg  
tab 10,25,50,100mg  
tab 10,25,50,100mg  
tab 10,15,25,50,100,150,  
200mg  
tab 10,25,50,100mg  
tab 10,25,50mg  
@ tab 10,15,25,50mg  
tab 10,15,25,50,100mg  
con 30,100mg/ml  
tab 10,15,25,50,100,150,  
200mg

Brand(s)  
Mellaril  
Mellaril

Danbury  
Mutual  
Mylan  
Par  
Roxane  
Superpharm  
West-Ward  
Zenith  
Sandoz  
Sandoz

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.9045 THIOTHIXENE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Thiothixene Hydrochloride	conc eq 1mg base/ml conc eq 1mg base/ml conc eq 5mg base/ml conc eq 5mg base/ml conc eq 5mg base/ml conc eq 5mg base/ml	Lederle/Am Cyanamid Paco Research Copley Lemmon National Pharm/Barre Paco Research
Navane	conc eq 5mg base/ml	Rorrig/Pfizer

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.9060 TOLBUTAMIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Tolbutamide	@ tab 500mg tab 500mg tab 500mg tab 250,500mg tab 500mg tab 500mg tab 500mg tab 500mg tab 500mg	(Ascot) Banmax Pharm Barr Bolar Chelsea Cord Danbury Lederle/Am Cyanamid Mylan

## DEPARTMENT OF PUBLIC HEALTH

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tab 500mg  
tab 500mg  
tab 500mg  
@ tab 500mg  
tab 500mg  
tab 500mg  
tab 250,500mg

Brand(s)  
Orinase

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.9084 TRAZODONE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Trazodone Hydrochloride	tab 50,100mg tab 50,100mg tab 50,100mg tab 50,100mg tab 50,100mg tab 50,100mg tab 50,100mg tab 50,100mg tab 50,100,150mg tab 50,100mg	American Therapeutics Barr Bolar Chelsea Danbury Lemmon Pharmaceutical Basics Purepac/Kalipharma Sidak TAG-Pharmaceuticals Mead Johnson/B-M
Desyrel	tab 50,100,150mg	

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

## Section 790.9180 TRIHEXYPHENIDYL HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Trihexyphenidyl Hydrochloride	elix 2mg/5ml tab 2,5mg tab 2,5mg tab 5mg @ tab 2mg	Liquipham Bolar Danbury Tablicaps (Vangard/MMM)
Brand(s) Artane Artane Tremin	elix 2mg/5ml tab 2,5mg tab 2,5mg	Lederle/Am Cyanamid Lederle/Am Cyanamid Schering

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

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Triple Sulfas  
Neotrizine  
@ susp, oral 500mg/5ml  
\_ tab 500mg  
Lederle/Am Cyanamid  
Lilly

Triple Sulfas	0 susp, oral 500mg/5ml	Lederle/Am Cyanamid
Neotrizine	tab 500mg	Lilly
Sulfa-Triple #2	tab 500mg	Richlyn
Sulfatoid	tab 500mg	Forest
Sulfase	tab 500mg	Wyeth Ayerst/AMHO
Terfonyl	tab 500mg	Squibb
Triple Sulfa	0 tab 500mg	Purepac/Kalipharma
Triple Sulfas	0 tab 500mg	Lederle/Am Cyanamid
Triple Sulfoid	tab 500mg	Vale

(Source: Amended at 14 Ill. Reg. 1188, effective July 13, 1990)

Section 790.9800 XYL0SE

Geigy/Ciba-Geigy

(Source: Amended at 14 ILL. Reg. 11988, effective July 13, 1990)

Section 790.9380 TRIPIROLIDINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	MANUFACTURER
Xylose Brand(s)	@ <u>      </u> 25gm/bottle	Lyne
Xylo-Pfan	pdwr 25gm/bottle	Adria

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

(Source: Amended at 14 Ill. Reg. 11988, effective July 13, 1990)

tion 790.9420 TRISULFAPYRIMIDINE  
(SULFADIAZINE, SULFAMETHAZINE AND SULFAMERAZINE)

APPLICATION HOLDER,  
MANUFACTURER

Lannett  
Lilly  
Forest  
Wyeth  
Squibb  
National Pharm/Barr

## SECRETARY OF STATE

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Issuance of Licenses

14) Are there any other amendments pending on this Part?

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers Adopted Action

Section Numbers Proposed Action Illinois Register Citation

1030.94 Amendment

Amendment

New Section

( 14 Ill. Reg. 5060  
(April 6, 1990)

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, parr. 6-100 et seq.)

15) Summary and Purpose of Rule: This rulemaking sets forth the procedure for obtaining a duplicate or corrected driver's license or permit.

5) Effective Date of Amendments: July 5, 1990

16) Information and answers to questions regarding this Adopted Rule should be directed to:

6) Does this rulemaking contain an automatic repeal date? Yes ☒ No.

Nancy S. Short  
Assistant Counsel to the Secretary

7) Does this amendment contain incorporations by reference? No.

2701 S. Dirksen Parkway

8) Date Filed in Agency's Principal Office: July 5, 1990

Springfield, IL 62723

Tel: 217/782-5356

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 1902 (February 1, 1990).

The full text of the Adopted Rule begins on the next page.

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

In the Table of Contents, Section 1030.11 Procedure for Obtaining a Driver's License was inserted; in addition, the following changes were made in the Table of Contents: at 1030.20 an "s" was added to the word "Reference"; at 1030.75 the word "Than" was placed in initial caps; at 1030.90 the word "For" was capitalized, the words "of Licensee" were deleted and the word "On" was also capitalized.

Pursuant to discussions and agreement with the Joint Committee on Administrative Rules, the following changes were made:

The Source Note was updated to current status.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

- Section
- 1030.10 What Persons Shall Not be Licensed or Granted Permits
- 1030.11 Procedure for Obtaining a Driver's License
- 1030.15 Cite for Re-examination
- 1030.20 Classification of Drivers - References
- 1030.30 Classification Standards
- 1030.40 Fifth Wheel Equipped Trucks
- 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
- 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
- 1030.60 Third-Party Certification Program
- 1030.63 Religious Exemption for Social Security Numbers
- 1030.65 Instruction Permits
- 1030.70 Driver's License Testing/Vision Screening
- 1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
- 1030.80 Driver's License Testing/Written Test
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts/Road Test
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Licenses
- 1030.90 Requirement For Photograph and Signature of Licensee On Driver's License
- 1030.91 Disabled Person/Handicapped Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- APPENDIX A: Questions Asked of a Driver's License Applicant
- APPENDIX B: Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990.

## Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit

- a) For the purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Services Facility" - offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Instruction Permit" - driving permit issued pursuant to Section 6-105 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-105).

- b) A duplicate driver's license or instruction permit shall be issued by the Department in cases where a driver's license or instruction permit has been lost, stolen, or mutilated.

- c) Upon an applicant's request or the Department's determination that an error was made, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit which is being surrendered. The license or permit shall indicate that it has been corrected by the word corrected as the type of license.

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## NOTICE OF ADOPTED AMENDMENT(S)

- d) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit, by the word duplicate as the type of license.
- e) The applicant shall pay a fee in accordance with Section 6-118 of the Illinois Driver's Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118) for either a duplicate or corrected driver's license or instruction permit. For a six (6) month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services facility which made a corrected license or permit necessary. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local, or federal law enforcement agency or state or federal court there shall be no fee charged for a duplicate upon written notification from such agency or court. There shall be no fee charged for a duplicate license or permit issued to any person age 60 or older who presents the Department with a police report showing that his/her license was stolen. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a).)

- f) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in Section 6-106(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106(b)) shall be completed by a Driver Services facility employee. The applicant shall answer the first two questions on the application as listed in Appendix A of this Part and the appropriate fee shall be paid, if required. After the form has been completed and the fee paid if required, the applicant shall have his/her photograph taken if necessary as provided in Section 1030.90 which concludes the process.

(Source: Amended at 14 Ill. Reg. 12077 effective July 5, 1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Emergency Action:  
140.529 Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Rule: July 5, 1990
- 6) If this Emergency Amendemnt is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: July 5, 1990
- 8) Reason for Emergency: This rulemaking will affect survey methodologies used in nursing facilities to determine, among other things, the status of residents' health and safety. Because of the perceived threat to the health and safety of persons who would be adversely affected by the failure to implement this policy, the Department has determined that an emergency rulemaking is warranted.
- 9) A Complete Description of the Subjects and Issues Involved: This proposed rule establishes criteria for a facility to request an interim QUIP assessment for a midyear QUIP update. With the change to an annual IOC survey and QUIP review, this revision provides a procedure for facilities to follow if they feel that the rate needs to be modified.

10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.7	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.24	Amendment	April 13, 1990 (14 Ill. Reg. 5417)
140.413	Amendment	March 30, 1990 (14 Ill. Reg. 4860)

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

## NOTICE OF EMERGENCY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.461	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.462	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.528	Amendment	May 11, 1990 (14 Ill. Reg. 7027)

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.539	Amendment	July 6, 1990 (14 Ill. Reg. 10629)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.569	Amendment	May 25, 1990 (14 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.

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## NOTICE OF EMERGENCY AMENDMENT

- 12) Information and questions regarding this Emergency Amendment shall be directed to:

Name: Daniel Leikvold, Staff Attorney  
Office of the General Counsel

Address: Jesse B. Harris Building II  
100 South Grand Avenue East  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

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Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

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et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg.

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2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; emergency amendment at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6235, effective February 22, 1985; amended at 9 Ill. Reg. 8677, effective April 19, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 12000, 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12306, effective July 24, 1985; amended at 9 Ill. Reg. 13998, effective August 5, 1985; amended at 9 Ill. Reg. 14684, effective September 3, 1985; amended at 9 Ill. Reg. 15503, effective September 13, 1985; amended at 9 Ill. Reg. 16312, effective October 4, 1985; amended at 9 Ill. Reg. 19138, effective October 11, 1985; amended at 9 Ill. Reg. 19737, effective October 2, 1985; amended at 10 Ill. Reg. 238, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128,

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effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 Table I recodified to 89 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 Table A and 147. Table B at Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

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17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 2475, effective January 1, 1989; amended at 13 Ill. Reg. 275, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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## SUBPART E: GROUP CARE

## Section 140.529 Reviews

EMERGENCY

- a) A facility is entitled to review of its quality incentive assessment and QUIP rate in accordance with the following procedure. Each step of this procedure is a precondition to the next step. In other words, a facility must present all disagreements at the Fact Finding Session and/or Exit Conference to receive any other review and must have such an Exit Conference and a first level review to receive a second level review.
  - 1) On the last day of the on-site assessment, the assessor will conduct a Fact Finding Session.
  - 2) At the time of the Fact Finding Session, the assessor will identify to the facility:
    - A) the dates and times at which the assessment was conducted;
    - B) the standards of the assessment which were completed and the reasons for non-completion;
    - C) the documents reviewed as evidence of achievement or non-achievement of any standard;
    - D) the time periods, if any, in which activity levels were observed; the names of the residents observed not to be meaningfully engaged, and the basis used for calculating scores;
    - E) the rooms and areas of the facility visited and observed.
  - 3) The assessor will give the facility the opportunity to comment on or contest the evidence used as the basis of the assessment and will record those comments and contested areas.
  - 4) The assessor will accept additional documentation the facility may present as evidence for the assessment.

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Section 140.529      Reviews (Cont'd.)

Section 140.529      Reviews (Cont'd.)

EMERGENCYEMERGENCY

- 4) The assessor and facility representative will sign the QUIP Fact Finding Session form.

- H) the average score of the facility for each question asked on the Resident Satisfaction segment of the assessment;

- c) Within twenty (20) working days after the completion of the QUIP assessment, the Regional Supervisor will advise the facility in writing of its achievement and/or non-achievement of the Quality Incentive standards. This notification will include a copy of the completed assessment instrument and notice to the facility that it can receive a first level review. It will identify where a request for such review must be sent and the time limits within which such request must be made. For purposes of this subsection, the notice date will be either the date on which the written notice is sent by certified mail or the date on which the Department hand delivers the written notice to the facility. The assessment is not concluded until a copy of the completed assessment instrument has been provided to the facility and an Exit Conference is conducted. (Exception: A completed copy of the Resident Satisfaction segment will not be provided to the facility).

- d) An Exit Conference will be conducted between the assessor and the facility within ten (10) working days of the mailing date or hand delivery date of the above notification.

- 1) During the Exit Conference, the assessor will discuss:

- A) assessment dates and hours;
- B) reason basic eligibility not met;
- C) parts completed;
- D) parts not completed and reasons;
- E) names of residents not meaningfully engaged, if applicable;
- F) rooms and areas visited;
- G) assessment results;

- e) First level review

- 1) Request for review

- A) To request a review of the findings of the assessor, the facility must submit a written request to the address stated in the

- I) questions raised by facility;

- J) parts contested at this time; and

- K) procedures for requesting First Level Review.

- 2) The assessor will not identify those interviewed for assessment of Resident Satisfaction.

- 3) During the Exit Conference the facility may present additional supporting documentation that had been in place prior to the time of the QUIP Assessment. If additional documentation is presented during the Exit Conference, the assessor will complete a form indicating whether a new recommendation will be forwarded to the regional supervisor. A copy of the form will be left with the facility. No additional supporting documentation will be accepted following the Exit Conference.

- 4) Based upon the newly presented documentation, the assessor will determine whether to give a new recommendation to the Regional Supervisor. If a new recommendation is made to the Regional Supervisor, the Regional Supervisor must notify the facility in writing of the results of the new recommendation within 20 working days of the Exit Conference.

- 5) The assessor and facility representative will sign the QUIP Exit Conference Checklist and Summary.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

## Reviews (Cont'd.)

Section 140.529  
EMERGENCY

Regional Supervisor's notification, as identified in Section 140.529(c), within ten (10) working days of:

- i) the date of the Exit Conference, in the event that the assessor did not act upon new documentation presented at the Exit Conference; or
- ii) the date of mailing of the Regional Supervisor's written notice following the Exit Conference.

B) For purposes of this subsection, "submit" means either the date the request is mailed, as evidenced by a United States mail postmark or the date on which the request is hand delivered to the Department at the address specified in the assessor's notification.

2) The written request for first level review must contain a comprehensive explanation of the facility's contentions regarding the assessor's findings, and may be accompanied by supporting documentation that had been in place prior to the time of the QUP Assessment and was presented for review up to and including the Exit Conference.

3) The Area Supervisor will review the assessor's findings, along with the facility's request for review, to determine if such findings are correct or incorrect. The review will be limited to questions of fact supported by data presented up to and including the Exit Conference. The Area Supervisor's determination will evaluate whether all relevant evidence was considered in the original findings, whether the instrument was correctly applied, and whether procedures were followed consistent with Sections 140.525 through 140.529 of this Part.

4) The Area Supervisor will send written notification to the facility by certified mail of the determination of the first level review

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

## Reviews (Cont'd.)

Section 140.529  
EMERGENCY

within forty-five (45) working days of the receipt of the facility's request for review. This notification will include, if applicable, a specific reasons why the facility's request for a higher QUP rating was denied. This notification will also inform the facility that it can receive a second level review and will identify where a request for such review should be sent and the time ~~limit~~ within which such request should be made.

## f) Second level review

1) If the facility is not satisfied with the results of the first level review, it may request a second level review. To do so, the facility must submit a written request to the address stated in the Area Supervisor's letter (see Section 140.529(d)(4) above), within ten (10) working days of receipt of the Supervisor's notification. For purposes of this subsection, "submit" means either the date the request is mailed, as evidenced by a United States mail postmark, or the date on which the request is hand delivered to the Department at the address specified in the assessor's notification.

2) The written request must contain a comprehensive explanation of the facility's contentions regarding the Area Supervisor's determinations.

3) The Chief of the Bureau of Long Term Care will review the Area Supervisor's determinations, the assessor's findings, the facility's request for first level review and the facility's request for second level review, to determine if the Area Supervisor's determinations are correct or incorrect. Evidence that was not available to the Area Supervisor will not be considered. The Bureau Chief will reverse the Area Supervisor's determinations only if it is demonstrated that the Supervisor did not consider relevant evidence or finds the Supervisor's determinations against the weight of the evidence.

## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 140.529      Reviews (Cont'd.)  
EMERGENCY

- 4) The Bureau Chief will send by mail written notification to the facility of the determination of the second level review within forty-five (45) working days of the receipt of the facility's request for second level review. This notification will include, if applicable, specific reasons why the facility's request for a higher QUIP rating was denied. No other administrative review will be available.

g) Interim review

- 1) to request an interim QUIP review, the facility must submit a written request to the Bureau of Long Term Quality Care Bureau Chief within 180 days from the last IOC/QUIP assessment.
- 2) The written request must identify the part(s) that the facility wants assessed. Only those part(s) requested will be given a QUIP assessment. No documentation is required.
- 3) The Bureau Chief will notify the facility within 45 days that the request has been received and forwarded to the appropriate region.
- 4) The interim QUIP assessment will be conducted within 60 days from the notification from the Bureau Chief.
- 5) The new QUIP rate, if applicable, will be effective for the final six months of that facility's rate year.
- 6) First and second level appeals can be made based on instruction identified under this Section

(Source: Emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow

- 2) CODE CITATION: 17 Ill. Adm. Code 670

- 3) REGISTER CITATION TO NOTICE OF PROPOSED RULES:

17 Ill. Adm. Code 11437 ; July 20, 1990

- 4) DATE, TIME AND LOCATION OF PUBLIC HEARING:

Wednesday, August 15, 1990  
11:00 a.m.  
Clock Tower Resort  
Rockford, Illinois

- 5) OTHER PERTINENT INFORMATION: All expert testimony and exhibits must be submitted, in writing, to Carl Draper, Hearing Officer, Illinois Department of Conservation, Suite 485, 524 S. Second Street, Springfield, Illinois, 62701, no later than August 12, 1990.

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION  
BY FIRST BANKS, INC., ST. LOUIS, MISSOURI,  
TO ACQUIRE HAVANA BANCSHARES, INC.,  
SPRINGFIELD, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First Banks, Inc., 11901 Olive Boulevard, St. Louis, Missouri 63141, to acquire Havana Bancshares, Inc., 509 West Capitol Avenue, Springfield, Illinois 62704.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh  
Harold F. Boede  
Commissioner of Banks and Trust Companies  
Room 100 Reisch Building  
117 South Fifth Street  
Springfield, Illinois 62701

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STATE OF ILLINOIS CENTER

ROOM 16-503  
CHICAGO, ILLINOIS  
10:00 A.M.  
JULY 26, 1990

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules  
509 South Sixth Street  
Room 500  
Springfield, Illinois 62701

AGENDA

- I. Approval of June 5, 1990 Minutes
- II. Review of Proposed Agency Rulemaking

Department on Aging

1. Community Care Program; 89 Ill. Adm. Code 240  
-First Notice Published: 14 Ill. Reg. 1077 - 1-19-90  
-Expiration of Second Notice Period: 6-11-90

Auditor General

2. Code of Regulations; 74 Ill. Adm. Code 420  
-First Notice Published: 13 Ill. Reg. 11983 - 7-21-89  
-Expiration of Second Notice Period: 7-30-90

3. Code of Regulations; 74 Ill. Adm. Code 420  
-First Notice Published: 14 Ill. Reg. 1541 - 1-26-90  
-Expiration of Second Notice Period: 8-2-90

Department of Central Management Services

4. Local Government Health Plan; 80 Ill. Adm. Code 2160  
-First Notice Published: 14 Ill. Reg. 4288 - 3-23-90  
-Expiration of Second Notice Period: 7-13-90

5. Pay Plan; 80 Ill. Adm. Code 310  
-First Notice Published: 14 Ill. Reg. 5269 - 4-13-90  
-Expiration of Second Notice Period: 7-20-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Conservation

14. Camping on Department of Conservation Properties; 17 Ill. Adm. Code 130  
-First Notice Published: 14 Ill. Reg. 4340 - 3-23-90  
-Expiration of Second Notice Period: 7-5-90
15. The Taking of Wild Turkeys - Fall Archery Season; 17 Ill. Adm. Code 720  
-First Notice Published: 14 Ill. Reg. 4355 - 2-23-90  
-Expiration of Second Notice Period: 7-5-90
16. The Taking of Wild Turkeys - Fall Gun Season; 17 Ill. Adm. Code 715  
-First Notice Published: 14 Ill. Reg. 4363 - 2-23-90  
-Expiration of Second Notice Period: 7-5-90
17. White-Tailed Deer Hunting by Use of Bow and Arrow; 17 Ill. Adm. Code 650  
-First Notice Published: 14 Ill. Reg. 4385 - 3-23-90  
-Expiration of Second Notice Period: 7-5-90
18. Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods; 17 Ill. Adm. Code 750  
-First Notice Published: 14 Ill. Reg. 4985 - 4-6-90  
-Expiration of Second Notice Period: 7-20-90
19. Dog Training on Department-Owned or Managed Sites; 17 Ill. Adm. Code 950  
-First Notice Published: 14 Ill. Reg. 4990 - 4-6-90  
-Expiration of Second Notice Period: 7-20-90
20. Duck, Goose, and Coot Hunting; 17 Ill. Adm. Code 590  
-First Notice Published: 14 Ill. Reg. 4996 - 4-6-90  
-Expiration of Second Notice Period: 7-20-90

State Board of Education

21. Certification; 23 Ill. Adm. Code 25  
-First Notice Published: 14 Ill. Reg. 3331 - 3-9-90  
-Expiration of Second Notice Period: 7-23-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Children and Family Services

6. Services Delivered by the Department; 89 Ill. Adm. Code 302  
-First Notice Published: 14 Ill. Reg. 1 - 1-5-90  
-Expiration of Second Notice Period: 7-23-90
7. Reports of Child Abuse and Neglect; 89 Ill. Adm. Code 300  
-First Notice Published: 13 Ill. Reg. 20159 - 12-29-89  
-Expiration of Second Notice Period: 7-23-90
8. Confidentiality of Personal Information of Persons Serviced by the Department; 89 Ill. Adm. Code 431  
-First Notice Published: 14 Ill. Reg. 4303 - 3-23-90  
-Expiration of Second Notice Period: 7-30-90

Department of Commerce and Community Affairs

9. State Administration of the Federal Low-Income Energy Assistance Block Grant Program; 47 Ill. Adm. Code 100  
-First Notice Published: 13 Ill. Reg. 17589 - 11-17-89  
-Expiration of Second Notice Published: 7-5-90
10. State Administration of the Federal Community Services Block Grant Program; 47 Ill. Adm. Code 120  
-First Notice Published: 14 Ill. Reg. 5296 - 4-13-90  
-Expiration of Second Notice Period: 8-6-90
11. Uniform Fiscal and Administrative Standards for the Job Training Partnership Act; 56 Ill. Adm. Code 2630  
-First Notice Published: 14 Ill. Reg. 5310 - 4-13-90  
-Expiration of Second Notice Period: 8-9-90

Illinois Commerce Commission

12. Carrier Identification; 92 Ill. Adm. Code 1307  
-First Notice Published: 13 Ill. Reg. 15154 - 9-29-89  
-Expiration of Second Notice Period: 8-13-90

Illinois Community College Board

13. Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501  
-First Notice Published: 14 Ill. Reg. 3308 - 3-9-90  
-Expiration of Second Notice Period: 7-9-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

## AGENDA

Environmental Protection Agency

22. Toxic Pollution Prevention Innovation Plans; 35 Ill. Adm. Code 181  
 -First Notice Published: 14 Ill. Reg. 6520 - 5-4-90  
 -Expiration of Second Notice Period: 8-13-90

Illinois Housing Development Authority

23. Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350  
 -First Notice Published: 14 Ill. Reg. 5653 - 4-20-90  
 -Expiration of Second Notice Period: 7-30-90

24. Repeal of Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350

- First Notice Published: 14 Ill. Reg. 5651 - 4-20-90  
 -Expiration of Second Notice Period: 7-30-90

Illinois Industrial Commission

25. Arbitration; 50 Ill. Adm. Code 7030  
 -First Notice Published: 14 Ill. Reg. 5655 - 4-20-90  
 -Expiration of Second Notice Period: 7-20-90

26. Insurance Regulations; 50 Ill. Adm. Code 7100  
 -First Notice Published: 14 Ill. Reg. 5662 - 4-20-90  
 -Expiration of Second Notice Period: 7-20-90

27. Miscellaneous; 50 Ill. Adm. Code 7110  
 -First Notice Published: 14 Ill. Reg. 5671 - 4-20-90  
 -Expiration of Second Notice Period: 7-20-90

28. Review; 50 Ill. Adm. Code 7040  
 -First Notice Published: 14 Ill. Reg. 5682 - 4-20-90  
 -Expiration of Second Notice Period: 7-20-90

Department of Insurance

29. Group Coverage Discontinuance and Replacement; 50 Ill. Adm. Code 2013  
 -First Notice Published: 14 Ill. Reg. 1729 - 2-2-90  
 -Expiration of Second Notice Period: 7-23-90

30. Life Insurance Solicitation; 50 Ill. Adm. Code 930  
 -First Notice Published: 14 Ill. Reg. 2754 - 2-23-90  
 -Expiration of Second Notice Period: 8-13-90

31. Advertising and Sales Promotion of Life Insurance and Annuities; 50 Ill. Adm. Code 909  
 -First Notice Published: 14 Ill. Reg. 2744 - 2-23-90  
 -Expiration of Second Notice Period: 8-17-90

Illinois Local Governmental Law Enforcement Officers Training Board

32. Minimum Requirements of the Trainee; 20 Ill. Adm. Code 1720  
 -First Notice Published: 14 Ill. Reg. 5378 - 4-13-90  
 -Expiration of Second Notice Period: 8-6-90

Department of Mines and Minerals

33. An Act in Relation to Oil, Gas and Other Surface and Underground Resources; 62 Ill. Adm. Code 240  
 -First Notice Published: 14 Ill. Reg. 3394 - 3-9-90  
 -Expiration of Second Notice Period: 7-26-90

Department of Nuclear Safety

34. Radiation Safety Requirements for Wireline Service Operations and Subsurfaces Tracer Studies; 32 Ill. Adm. Code 351  
 -First Notice Published: 13 Ill. Reg. 15980 - 10-13-89  
 -Expiration of Second Notice Period: 7-9-90

35. Radiation Inspectors and Inspections; 32 Ill. Adm. Code 410  
 -First Notice Published: 13 Ill. Reg. 17184 - 11-13-89  
 -Expiration of Second Notice Period: 7-9-90

36. Registration of Radioactive Materials or Radiation Machine; 32 Ill. Adm. Code 320  
 -First Notice Published: 13 Ill. Reg. 17626 - 11-17-89  
 -Expiration of Second Notice Period: 7-9-90

Pollution Control Board

37. Special Waste Classifications; 35 Ill. Adm. Code 808  
 -First Notice Published: 13 Ill. Reg. 13468 - 8-25-89  
 -Expiration of Second Notice Period: 7-16-90

38. Waste Hauling; 35 Ill. Adm. Code 809  
 -First Notice Published: 13 Ill. Reg. 13699 - 9-1-89  
 -Expiration of Second Notice Period: 7-16-90

39. Solid Waste; 35 Ill. Adm. Code 807  
 -First Notice Published: 14 Ill. Reg. 3092 - 3-16-90  
 -Expiration of Second Notice Period: 8-2-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

40. Information to be Submitted in a Permit Application; 35 Ill. Adm. Code 812  
-First Notice Published: 14 Ill. Reg. 3834 - 3-16-90  
-Expiration of Second Notice Period: 8-2-90
41. Standards for Existing Landfills and Units; 35 Ill. Adm. Code 814  
-First Notice Published: 14 Ill. Reg. 3858 - 3-16-90  
-Expiration of Second Notice Period: 8-2-90
42. Procedural Requirements for All Landfills Exempt from Permits; 35 Ill. Adm. Code 815  
-First Notice Published: 14 Ill. Reg. 3872 - 3-16-90  
-Expiration of Second Notice Period: 8-2-90
43. Procedural Requirements for Permitted Landfills; 35 Ill. Adm. Code 813  
-First Notice Published: 14 Ill. Reg. 3882 - 3-16-90  
-Expiration of Second Notice Period: 8-2-90
44. Solid Waste Disposal: General Provisions; 35 Ill. Adm. Code 810  
-First Notice Published: 14 Ill. Reg. 3909 - 3-16-90  
-Expiration of Second Notice Period: 8-2-90
45. Standards for New Solid Waste Landfills; 35 Ill. Adm. Code 811  
-First Notice Published: 14 Ill. Reg. 3923 - 3-16-90  
-Expiration of Second Notice Period: 8-2-90

Department of Professional Regulation

46. Optometric Practice Act of 1987; 68 Ill. Adm. Code 1320  
-First Notice Published: 14 Ill. Reg. 2444 - 2-16-90  
-Expiration of Second Notice Period: 7-30-90
47. The Barber, Cosmetology and Esthetics Act of 1985; 68 Ill. Adm. Code 1175  
-First Notice Published: 13 Ill. Reg. 17190 - 11-13-89  
-Expiration of Second Notice Period: 8-13-90

Department of Public Aid

48. Administration of Social Service Programs; 89 Ill. Adm. Code 130  
-First Notice Published: 14 Ill. Reg. 4049 - 3-16-90  
-Expiration of Second Notice Period: 7-26-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

49. Administration of Social Service Programs; 89 Ill. Adm. Code 130  
-First Notice Published: 14 Ill. Reg. 1546 - 1-26-90  
-Expiration of Second Notice Period: 7-13-90
50. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112  
-First Notice Published: 14 Ill. Reg. 2798 - 2-23-90  
-Expiration of Second Notice Period: 7-16-90
51. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113  
-First Notice Published: 14 Ill. Reg. 2811 - 2-23-90  
-Expiration of Second Notice Period: 7-16-90
52. General Assistance; 89 Ill. Adm. Code 114  
-First Notice Published: 14 Ill. Reg. 2821 - 2-23-90  
-Expiration of Second Notice Period: 7-16-90
53. Medical Assistance Programs; 89 Ill. Adm. Code 120  
-First Notice Published: 14 Ill. Reg. 2831 - 2-23-90  
-Expiration of Second Notice Period: 7-26-90
54. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112.70 through 112.82  
-First Notice Published: 14 Ill. Reg. 1123 - 1-19-90  
-Expiration of Second Notice Period: 7-23-90
55. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112.83, 112.308 and 112.350 through 112.418  
-First Notice Published: 14 Ill. Reg. 1123 - 1-19-90  
-Expiration of Second Notice Period: 7-23-90
56. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112.315  
-First Notice Published: 14 Ill. Reg. 1123 - 1-19-90  
-Expiration of Second Notice Period: 7-23-90
57. Hospital Services; 89 Ill. Adm. Code 148  
-First Notice Published: 14 Ill. Reg. 5409 - 4-13-90  
-Expiration of Second Notice Period: 7-23-90
58. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112  
-First Notice Published: 14 Ill. Reg. 5695 - 4-20-90  
-Expiration of Second Notice Period: 7-23-90
59. Medical Assistance Programs; 89 Ill. Adm. Code 120  
-First Notice Published: 14 Ill. Reg. 5724 - 4-20-90  
-Expiration of Second Notice Period: 7-23-90
60. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 5726 - 4-20-90  
-Expiration of Second Notice Period: 7-23-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

61. Medical Assistance Programs; 89 Ill. Adm. Code 103  
-First Notice Published: 14 Ill. Reg. 5954 - 4-27-90  
-Expiration of Second Notice Period: 7-23-90
62. General Assistance; 89 Ill. Adm. Code 114  
-First Notice Published: 14 Ill. Reg. 5713 - 4-20-90  
-Expiration of Second Notice Period: 7-23-90
63. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112  
-First Notice Published: 14 Ill. Reg. 5923 - 7-27-90  
-Expiration of Second Notice Period: 7-27-90
64. Food Stamps; 89 Ill. Adm. Code 121  
-First Notice Published: 14 Ill. Reg. 5935 - 4-27-90  
-Expiration of Second Notice Period: 7-27-90
65. General Assistance; 89 Ill. Adm. Code 114  
-First Notice Published: 14 Ill. Reg. 5945 - 4-27-90  
-Expiration of Second Notice Period: 7-27-90
66. Support Responsibility of Relatives; 89 Ill. Adm. Code 103  
-First Notice Published: 14 Ill. Reg. 5965 - 4-27-90  
-Expiration of Second Notice Period: 7-27-90
67. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 5726 - 4-20-90  
-Expiration of Second Notice Period: 7-30-90
68. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 5417 - 4-13-90  
-Expiration of Second Notice Period: 7-30-90
69. General Assistance; 89 Ill. Adm. Code 114  
-First Notice Published: 14 Ill. Reg. 5385 - 4-13-90  
-Expiration of Second Notice Period: 8-6-90
70. Repeal of Point Count Guidelines for ICF/MR and SNF/PED Facilities; 89 Ill. Adm. Code 146  
-First Notice Published: 14 Ill. Reg. 7031 - 5-11-90  
-Expiration of Second Notice Period: 8-10-90
71. Food Stamps; 89 Ill. Adm. Code 121  
-First Notice Published: 14 Ill. Reg. 7006 - 5-11-90  
-Expiration of Second Notice Period: 8-10-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

72. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147  
-First Notice Published: 14 Ill. Reg. 6664 - 5-4-90  
-Expiration of Second Notice Period: 8-13-90
  73. General Assistance; 89 Ill. Adm. Code 114  
-First Notice Published: 14 Ill. Reg. 7015 - 5-11-90  
-Expiration of Second Notice Period: 8-13-90
  74. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 7027 - 5-11-90  
-Expiration of Second Notice Period: 8-13-90
  75. Application Process; 89 Ill. Adm. Code 110  
-First Notice Published: 14 Ill. Reg. 7395 - 5-18-90  
-Expiration of Second Notice Period: 8-17-90
  76. Rights and Responsibilities; 89 Ill. Adm. Code 102  
-First Notice Published: 14 Ill. Reg. 7399 - 5-18-90  
-Expiration of Second Notice Period: 8-17-90
- Department of Public Health
77. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790  
-First Notice Published: 14 Ill. Reg. 4437 - 3-23-90  
-Expiration of Second Notice Period: 7-5-90
  78. Emergency Medical Services Code; 77 Ill. Adm. Code 535  
-First Notice Published: 14 Ill. Reg. 1755 - 2-2-90  
-Expiration of Second Notice Period: 7-9-90
  79. Shelter Care Facilities Code; 77 Ill. Adm. Code 535  
-First Notice Published: 14 Ill. Reg. 1827 - 2-2-90  
-Expiration of Second Notice Period: 7-9-90
  80. Intermediate Care for the Developmentally Disabled Facilities Code; 77 Ill. Adm. Code 350  
-First Notice Published: 14 Ill. Reg. 2210 - 2-9-90  
-Expiration of Second Notice Period: 7-9-90
  81. Long-Term Care for Under Age 22 Facilities Code; 77 Ill. Adm. Code 390  
-First Notice Published: 14 Ill. Reg. 2237 - 2-9-90  
-Expiration of Second Notice Period: 7-9-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

82. Skilled Nursing and Intermediate Care Facilities Code; 77 Ill. Adm. Code 300  
-First Notice Published: 14 Ill. Reg. 2261 - 2-9-90  
-Expiration of Second Notice Period: 7-9-90
83. Regionalized Perinatal Health Care Code; 77 Ill. Adm. Code 640  
-First Notice Published: 13 Ill. Reg. 12433 - 7-28-89  
-Expiration of Second Notice Period: 7-13-90
84. Regionalized Perinatal Care, Repeal of; 77 Ill. Adm. Code 640  
-First Notice Published: 13 Ill. Reg. 12413 - 7-28-89  
-Expiration of Second Notice Period: 7-16-90
85. Illinois Water Well Construction Code; 77 Ill. Adm. Code 920  
-First Notice Published: 14 Ill. Reg. 5484 - 4-13-90  
-Expiration of Second Notice Period: 7-26-90
86. Hospital Licensing Requirements; 77 Ill. Adm. Code 250  
-First Notice Published: 14 Ill. Reg. 2478 - 2-16-90  
-Expiration of Second Notice Period: 7-26-90
87. Ambulatory Surgical Treatment Center Licensing Requirements; 77 Ill. Adm. Code 205  
-First Notice Published: 14 Ill. Reg. 5442 - 4-13-90  
-Expiration of Second Notice Period: 8-2-90
88. Drinking Water Systems Code; 77 Ill. Adm. Code 900  
-First Notice Published: 14 Ill. Reg. 5457 - 4-13-90  
-Expiration of Second Notice Period: 8-2-90
89. Immunizations; 77 Ill. Adm. Code 695  
-First Notice Published: 14 Ill. Reg. 5749 - 4-20-90  
-Expiration of Second Notice Period: 8-16-90
90. Child Health Examination Code; 77 Ill. Adm. Code 665  
-First Notice Published: 14 Ill. Reg. 5446 - 4-13-90  
-Expiration of Second Notice Period: 8-16-90
91. College Immunization Code; 77 Ill. Adm. Code 694  
-First Notice Published: 14 Ill. Reg. 5448 - 4-13-90  
-Expiration of Second Notice Period: 8-16-90
92. Newborn Metabolic Screening and Treatment Code; 77 Ill. Adm. Code 661  
-First Notice Published: 14 Ill. Reg. 4443 - 3-23-90  
-Expiration of Second Notice Period: 8-17-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Illinois Racing Board

93. Double Trifecta Wagering Pool; 11 Ill. Adm. Code 439  
-First Notice Published: 14 Ill. Reg. 5751 - 4-20-90  
-Expiration of Second Notice Period: 8-13-90

Department of Rehabilitation Services

94. Lekoteks; 89 Ill. Adm. Code 899  
-First Notice Published: 14 Ill. Reg. 3412 - 3-9-90  
-Expiration of Second Notice Period: 7-5-90

Secretary of State

95. Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040  
-First Notice Published: 14 Ill. Reg. 5488 - 4-13-90  
-Expiration of Second Notice Period: 7-27-90
96. Issuance of Licenses; 92 Ill. Adm. Code 1030  
-First Notice Published: 14 Ill. Reg. 5060 - 4-6-90  
-Expiration of Second Notice Period: 7-30-90
97. Procedures and Standards; 92 Ill. Adm. Code 1001  
-First Notice Published: 14 Ill. Reg. 5977 - 4-27-90  
-Expiration of Second Notice Period: 8-16-90

## III. Certification of No Objection to Proposed Rulemaking

## IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Central Management Services

98. Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)  
-Notice Published: 14 Ill. Reg. 7652 - 5-18-90
99. Marking, Inventory, Transfer and Disposal of State-Owned Personal Property; 44 Ill. Adm. Code 5010 (Emergency)  
-Notice Published: 14 Ill. Reg. 8714 - 6-1-90

Department of Public Aid

100. Medical Payment; 89 Ill. Adm. Code 140 (Emergency)  
-Notice Published: 14 Ill. Reg. 7249 - 5-11-90
101. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147 (Emergency)  
-Notice Published: 14 Ill. Reg. 9523 - 6-15-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

AGENDA

Department of Public Health

Department of Financial Institutions

102. Family Practice Residency Code; 77 Ill. Adm. Code 590 (Emergency)  
-Notice Published: 14 Ill. Reg. 8725 - 6-1-90
103. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)  
-Notice Published: 14 Ill. Reg. 9556 - 6-15-90

108. Title Insurance Act; 50 Ill. Adm. Code 8100  
-First Published: 14 Ill. Reg. 16 - 1-5-90  
-Objection Date: 5-8-90  
-Response: Withdrawal & Modification - Obj.  
Refusal - Rec.

Department of Revenue

Department of Labor

104. Cannabis and Controlled Substances Tax Act; 86 Ill. Adm. Code 428 (Emergency)  
-Notice Published: 14 Ill. Reg. 9251 - 6-8-90

109. Prevailing Wage Hearing Procedures; 56 Ill. Adm. Code 100  
-First Published: 14 Ill. Reg. 536 - 1-12-90  
-Objection Date: 6-5-90  
-Response: Modification

State Fire Marshal

Pollution Control Board

105. Fire Equipment Distributor and Employee Standards; 41 Ill. Adm. Code 251 (Emergency)  
-Notice Published: 14 Ill. Reg. 8194 - 5-25-90

110. Regulatory and Informational Hearings and Proceedings; 35 Ill. Adm. Code 102  
-First Published: 13 Ill. Reg. 14696 - 9-22-89  
-Objection Date: 4-3-90  
-Response: Modification

V. Agency Responses to Joint Committee Statements of Objection

Department of Children and Family Services

Department of Professional Regulation

106. Licensing Standards for Youth Emergency Shelters; 89 Ill. Adm. Code 410  
-First Published: 14 Ill. Reg. 439 - 1-12-90  
-Objection Date: 5-8-90  
-Response: Refusal

111. Psychologist Registration Act; 68 Ill. Adm. Code 1400  
-First Published: 13 Ill. Reg. 2913 - 3-10-89  
-Objection Date: 3-7-90  
-Response: Modification

State Board of Education

Department of Public Aid

107. Truant's Alternative and Optional Educational Programs; 23 Ill. Adm. Code 205  
-First Published: 13 Ill. Reg. 18991 - 12-8-89  
-Objection Date: 4-3-90  
-Response: Refusal - Obj.  
Modification - Rec.

112. Medical Payment; 89 Ill. Adm. Code 140  
-First Published: 14 Ill. Reg. 3241 - 3-2-90  
-Objection Date: 5-8-90  
-Response: Refusal

113. Medical Payment; 89 Ill. Adm. Code 140  
-First Published: 14 Ill. Reg. 4577 - 3-23-90  
-Objection Date: 5-8-90  
-Response: Refusal

114. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147  
-First Published: 14 Ill. Reg. 6915 - 5-4-90  
-Objection Date: 6-5-90  
-Response: Refusal

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Revenue

115. Telecommunications Excise Tax; 86 Ill. Adm. Code 495  
 -First Published: 13 Ill. Reg. 16723 - 10-27-89  
 -Objection Date: 6-5-90  
 -Response: Refusal

State Retirement Systems

116. The Administration and Operation of the State Retirement System of Illinois; 80 Ill. Adm. Code 1540  
 -First Published: 14 Ill. Reg. 4880 - 3-30-90  
 -Objection Date: 6-5-90  
 -Response: Agreement

## VI. Exempt Rulemakings

Pollution Control Board

117. Pretreatment Programs; 35 Ill. Adm. Code 310  
 -Proposed Date: 12-29-89

118. Sewer Discharge Criteria; 35 Ill. Adm. Code 307  
 -Proposed Date: 12-29-89

119. Underground Storage Tanks; 35 Ill. Adm. Code 731  
 -Proposed Date: 2-23-90

120. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment; Storage and Disposal Facilities; 35 Ill. Adm. Code 725  
 -Proposed Date: 5-4-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 2, 1990, through July 6, 1990, and have been scheduled for review by the Committee at its July 26, 1990 or August meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July or August meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
8/16/90	Department of Public Health, Immunizations (77 Ill. Adm. Code 695)	4/20/90 14 Ill. Reg. 5749	July 26, 1990
8/16/90	Department of Public Health, Child Health Examination Code (77 Ill. Adm. Code 665)	4/13/90 14 Ill. Reg. 5446	July 26, 1990
8/16/90	Department of Public Health, College Immunization Code (77 Ill. Adm. Code 694)	4/13/90 14 Ill. Reg. 5448	July 26, 1990
8/16/90	Secretary of State, Procedures and Standards (92 Ill. Adm. Code 1001)	4/27/90 14 Ill. Reg. 5977	July 26, 1990
8/17/90	Department of Public Aid, Rights and Responsibilities (89 Ill. Adm. Code 102)	5/18/90 14 Ill. Reg. 7399	July 26, 1990
8/17/90	Department of Insurance, Advertising and Sales Promotion of Life Insurance and Annuities (50 Ill. Adm. Code 909)	2/23/90 14 Ill. Reg. 2744	July 26, 1990
8/17/90	Department of Public Health, Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)	3/23/90 14 Ill. Reg. 4443	July 26, 1990
8/17/90	Department of Public Aid, Application Process (89 Ill. Adm. Code 110)	5/18/90 14 Ill. Reg. 7395	July 26, 1990

ILLINOIS REGISTER  
JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
8/20/90	Department of Nuclear Safety Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill. Adm. Code 401)	12/8/89 13 Ill. Reg. 19017	August
8/20/90	Department of Rehabilitation Services, Vending Facility Program for the Blind (89 Ill. Adm. Code 650)	5/4/90 14 Ill. Reg. 6683	August
8/20/90	Department of Rehabilitation Services, Vending Facility Program for the Blind: Repeal of (89 Ill. Adm. Code 650)	5/4/90 14 Ill. Reg. 6725	August
8/20/90	Attorney General, Illinois Estate and Generation - Skipping Transfer Tax Act (86 Ill. Adm. Code 2000)	3/23/90 14 Ill. Reg. 4281	August
8/20/90	Department of Conservation, Hunting Season for Game Breeding and Hunting Preserve Areas; Repeal of (17 Ill. Adm. Code 745)	4/20/90 14 Ill. Reg. 5647	August
8/20/90	Department of Conservation, Hunting Season for Game Breeding and Hunting Preserve Areas (17 Ill. Adm. Code 745)	3/23/90 14 Ill. Reg. 4351	August

## PROCLAMATION

90-332  
BEEP BASEBALL WEEK

Whereas, beep baseball is a modified version of baseball that allows visually impaired individuals to participate in this sport by using a 16-inch ball with a built-in sound module to beep so players know when it is approaching; and

Whereas, since the sport, which was once limited to those with sight, now involves both blind and sighted persons, it creates a bridge between the two. Those with sight gain an increased appreciation of blindness while blind individuals experience the thrill of a competitive sport, as well as the satisfaction of overcoming one of the obstacles of blindness; and

Whereas, since the beep baseball was designed in 1975, the National Beep Baseball Association (NBBA) has overcome many challenges, including faulty equipment, lack of funds, and restrictive rules; and

Whereas, while the sport is still years away from achieving its full potential, the NBBA continues to grow and make new strides each year with improved training and coaching methods and expansion of the game throughout the country and the world; and

Whereas, the NBBA will hold its annual World Series in Chicago this summer;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 20-26, 1990, as BEEP BASEBALL WEEK in Illinois in conjunction with the NBBA World Series and in honor of the selfless dedication and service of this organization to visually impaired people.

Issued by the Governor July 2, 1990.

Filed with the Secretary of State July 9, 1990.

90-333  
CAPTIVE NATIONS WEEK

Whereas, Americans enjoy the liberty and freedom of which people in captive nations only dream. The rights we often take for granted are fought for every day by those who do not rule themselves; and

Whereas, this is the 30th anniversary of the observance of Captive Nations Week, which calls attention to the maintenance of a constant vigil on the struggles of the captive peoples around the globe; and

Whereas, this observance will be continued until freedom and independence have been achieved for all the captive nations of the world;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 15-21, 1990, as CAPTIVE NATIONS WEEK in Illinois, in the hope that all people throughout the world may find their freedom.

Issued by the Governor July 2, 1990.

Filed with the Secretary of State July 9, 1990.

#### 90-334

##### CONGRATULATES MARIETTA GIHLE

Whereas, for many years, Marietta Gihle of Winthrop Harbor has been a violin instructor at Zion Conservatory and the concert-master of the Zion Chamber Orchestra. At age 89, she continues to make a rich contribution to the musical arts in the State of Illinois; and

Whereas, in her long and illustrious career, Marietta Gihle played in the Women's Symphony of Chicago under the direction of Rudolph Reiners. She also played in the Peoria Symphony, the Waukegan Symphony, and the Zion Chamber Orchestra; and

Whereas, Marietta Gihle has brought joy to many in a lifetime as a soloist, teacher, and conductor. Her many contributions are remembered through the founding of the Marietta Gihle Scholarship Fund; and

Whereas, a concert by the Zion Conservatory Orchestra Woodwind Quintet and Silver Strings will be held in her honor July 15, 1990, in Zion;

Therefore, I, James R. Thompson, Governor of the State of Illinois, congratulate MARIETTA GIHLE on her contributions to the musical arts and commend her for her talents and her dedication to the education and pleasure of others.

Issued by the Governor July 2, 1990.

Filed with the Secretary of State July 9, 1990.

#### 90-335

##### HOME CARE WEEK

Whereas, the more than 200 member agencies of the Illinois Council of Home Health Services are dedicated to the provision of high quality patient care in the home; and

Whereas, these home health agency services include nursing, physical, occupational, and speech therapies, medical social services, home health aides, and homemakers; and

Whereas, these services are provided to persons of all ages who are ill or disabled in their homes, thereby preventing unnecessary institutionalization; and

Whereas, home health care is often less costly than that of institutions; and

Whereas, most people would prefer to remain at home in familiar surroundings;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim November 25-December 1, 1990, as HOME CARE WEEK in Illinois in honor of the 30th anniversary of the Illinois Council of Home Health Services.

Issued by the Governor July 2, 1990.

Filed with the Secretary of State July 9, 1990.

#### 90-336

##### THE MICHAEL JORDAN FOUNDATION DAY

Whereas, Michael Jordan created the Michael Jordan Foundation as a means of repaying the community and helping those who are less fortunate; and

Whereas, the inaugural Michael Jordan Foundation Gala Dinner is being held September 15, 1990, at the Hotel Nikko in Chicago; and

Whereas, stars and celebrities from the sports world will attend this charitable event; and

Whereas, proceeds from the dinner will benefit Special Olympics, United Negro College Fund, Midwest Association for Sickle Cell Anemia, Starlight Foundation, and Ronald McDonald children's charities and will sponsor funding for college scholarships;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 15, 1990, as THE MICHAEL JORDAN FOUNDATION DAY in Illinois.

Issued by the Governor July 2, 1990.

Filed with the Secretary of State July 9, 1990.

ILLINOIS REGISTER		JULY 20, 1990	
VOL. 14, ISSUE #29		1990 CUMULATIVE INDEX	
ACTION CODES			
ICAR - Joint Committee on Administrative Rules			
A - Adopted Rule	P - Proposed Rule		
AR - Adopted Repealer	PF - Prohibited Filing Ordered by ICAR		
C - Notice of Corrections	PP - Peremptory or Court ordered Rules		
CC - Codification Changes	PR - Proposed Repealer		
E - Emergency Rule	R - Refusal to meet ICAR objection		
ER - Emergency Repealer	RC - Statement of Recommendation		
M - Modification to meet ICAR objections	S - Suspension ordered by ICAR		
O - ICAR Statement of Objections	W - Withdrawal to meet ICAR objections		

# EXAMPLE:

## AGRICULTURE, DEPARTMENT OF

TITLE		PART		ACTION CODE		PAGE NUMBER		ACTION CODE		PAGE NUMBER	
8 Ill. Adm. Code 285		III. Grain Insurance Act (P-18048/85; A-6818)									

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

## AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-1077; A-10732) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
89 Ill. Adm. Code 230	Older Americans Act Programs (P-14499/89; A-2308)

## AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-15915/89; A-1911)
8 Ill. Adm. Code 85	Diseased Animals (P-15926/89; A-1919) (P-8768)
8 Ill. Adm. Code 80	III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
8 Ill. Adm. Code 115	III. Pseudotuberculosis Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-3773)
8 Ill. Adm. Code 270	III. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-15950/89; A-1943)
8 Ill. Adm. Code 45	Marketing Center (Livestock) (P-15956/89; A-1949)
8 Ill. Adm. Code 125	Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953) (PP-11401)
8 Ill. Adm. Code 850	Motor Fuel Standards Act (P-19837/89; A-5072)
2 Ill. Adm. Code 700	Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093) (A-9009)
8 Ill. Adm. Code 5	Standardization of Agriculture Products (P-3711; A-10308)
8 Ill. Adm. Code 100	Swine Brucellosis (P-15960/89; A-1953)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-15968/89; A-1961) (P-8777)

## ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2058	Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)
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## ATTORNEY GENERAL

86 Ill. Adm. Code 2000	III. Estate & Generation - Skipping Transfer Tax Act (P-4281)
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## AUDITOR GENERAL

74 Ill. Adm. Code 420	Code of Regulations (P-1541)
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## BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 395	Corporate Fiduciary Branch Offices (P-2981)
38 Ill. Adm. Code 396	Corporate Fiduciary Subsidiaries (P-2985)
38 Ill. Adm. Code 356	Reimbursement to Banks & Corporate Fiduciaries for Financial Records (P-3303; A-11183)
38 Ill. Adm. Code 356	Reimbursement to Banks for Financial Records (P-3303)

## CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000	Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)
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## CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 303	Conditions of Employment (P-17169/89; A-3433)
80 Ill. Adm. Code 2160	Local Government Health Plan (P-4288)
80 Ill. Adm. Code 5010	Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714)

80 Ill. Adm. Code 310	Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4-55) (P-5269) (PP-7652) (P-7675) (P-10189) (P-10974) (E-11330)
44 Ill. Adm. Code 5030	Personal Use of State Telephones (P-10983) (E-11351)
80 Ill. Adm. Code 2120	State of Ill. Medical Care Assistance Plan (P-10603)
80 Ill. Adm. Code 3000	Travel Regulation Council, The (P-1548; A-10014)

## CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)
89 Ill. Adm. Code 410	Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)
89 Ill. Adm. Code 300	Reports of Child Abuse & Neglect (P-20159/89; C-2684) (E-11356) (P-11423)
89 Ill. Adm. Code 337	Service Appeal Process (P-9273)
89 Ill. Adm. Code 302	Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

## COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 525	Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
14 Ill. Adm. Code 520	Enterprise Zone Program (P-15975/89; A-3445)
14 Ill. Adm. Code 590	III. Large Business Development Program (P-7291)
14 Ill. Adm. Code 610	III. Public Infrastructure Loan & Grant Program (P-7300)
56 Ill. Adm. Code 2650	Industrial Training Program (P-15977/89; A-5075)
14 Ill. Adm. Code 550	Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294) (E-5565; O-10159) (P-8782)
47 Ill. Adm. Code 110	State Administration for the Federal Community Development Block Grant Program for Small Cities (P-10985)
47 Ill. Adm. Code 120	State Administration of the Federal Community Services Block Grant Program (P-5296)
14 Ill. Adm. Code 545	Technology Advancement & Development Act Program (P-19336/89; A-9016)
14 Ill. Adm. Code 540	Technology Commercialization Grant-In-Aid Program (P-11022)
56 Ill. Adm. Code 2610	Training Services for the Disadvantaged (P-5017/89; A-1976)
56 Ill. Adm. Code 2630	Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310) (P-7312)

## COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1207	Agents for Service of Process (P-15150/89; A-3033)
83 Ill. Adm. Code 760	Cellular Radio Exclusion (P-13358/89; A-3037) (P-9631)